

Spokane Police Department

Policy Manual

CHIEF'S PREFACE

I am pleased to present to you a best practices policy manual. Lexipol is the leader in law enforcement risk management and policy development. By adopting the Lexipol system you can be assured that our policy manual is current with applicable state and federal law and law enforcement best practices.

Although our manual is considered to be a model policy there is no policy manual that can cover every situation that you may encounter. Good judgment and training must also be exercised.

I believe that all employees should have an enjoyable, safe and productive workplace. In order to provide such an environment, I present to you my workplace expectations and Cardinal Rules.

Workplace Expectations:

- Do your work
- Say what you mean and mean what you say
- Speak and treat each other in a respectful manner
- Stay within the boundaries of reasonableness
- Agree to disagree
- No pot stirring = intentionally causing dissension/disruption

Cardinal Rules:

- No harassing or bullying behavior
- No Lying or any communication intended to deceive, includes lack of forthrightness
- No Insubordination
- No Abuse of Authority
- No Conduct Unbecoming that causes a lack of trust in the department

Anne E. Kirkpatrick

Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

To set forth, for all members of the Spokane Police Department, an articulated code of ethics and a set of ethical canons and standards which encompass and describe expectations of behavior and conduct, both on and off duty.

As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, 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 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

A. PREAMBLE

Whereas, members of the Spokane Police Department are vested with public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

Whereas, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a code of professional conduct and responsibility for members of the Spokane Police Department as a matter of the highest significance to the health, welfare and safety of the citizens of this state; and

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Whereas, the establishment of a code of professional conduct and responsibility of members of the Spokane Police Department, which includes canons of ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore

Be it resolved that the need to maintain high standards of moral character, integrity, knowledge and trust requires that members of the Spokane Police Department establish and conform to a code of professional conduct and responsibility for members of the Spokane Police Department.

B. GENERAL STATEMENT

Members of the Spokane Police Department are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust and to ensure that their professional conduct is above reproach, members of the Spokane Police Department must not only conform to a code of ethics, but must also abide by these canons of ethics and ethical standards which constitute this code of professional conduct and responsibility as a means of internal regulation. The essence of a profession is that it requires, in addition to prescribing a desired level of performance, established minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this code of professional conduct and responsibility has been established for members of the Spokane Police Department.

Nothing in the code of professional conduct and responsibility for members of the Spokane Police Department is intended to limit or supersede any provisions of law relating to the duties and obligations of individuals or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

C. CANONS OF ETHICS

CANON ONE

Members of the Spokane Police Department shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

ETHICAL STANDARDS

Standard 1.1:

Members of the Spokane Police Department shall recognize that the primary responsibility of their profession and of the individual member is the protection of the people within the jurisdiction of the United States through upholding of their

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laws, the most important of which are the Constitution of the United States and the State Constitution and laws derived therefrom.

Standard 1.2:

Officers of the Spokane Police Department shall be aware of the extent of the limitation of their authority in the enforcement of the law.

Standard 1.3:

Officers of the Spokane Police Department shall diligently study principles and new enactments of the laws they enforce.

Standard 1.4:

Members of the Spokane Police Department shall be responsible for keeping abreast of current case law as applied to their duties.

Standard 1.5:

Officers of the Spokane Police Department shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Standard 1.6:

Members of the Spokane Police Department shall respect and uphold the dignity, human rights, and constitutional rights of all persons.

CANON TWO

Members of the Spokane Police Department shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

ETHICAL STANDARDS

Standard 2.1:

Officers of the Spokane Police Department shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

Standard 2.2:

Members of the Spokane Police Department shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

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Standard 2.3:

Members of the Spokane Police Department shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.

Standard 2.4:

Members of the Spokane Police Department shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

CANON THREE

Members of the Spokane Police Department shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

ETHICAL STANDARDS

Standard 3.1:

Members of the Spokane Police Department, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Standard 3.2:

Members of the Spokane Police Department, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

Standard 3.3:

Members of the Spokane Police Department shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

Standard 3.4:

Members of the Spokane Police Department shall safely and effectively use equipment and material available to them.

Standard 3.5:

Members of the Spokane Police Department shall be prepared for and shall respond effectively to the demands of their office.

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Standard 3.6:

Members of the Spokane Police Department, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

Standard 3.7:

When requested, members will give their name and personnel number.

Standard 3.8:

Members of the Spokane Police Department shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

Standard 3.9:

Members of the Spokane Police Department shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them.

CANON FOUR

Members of the Spokane Police Department will so conduct their public and private lives that they exemplify the high standards of integrity, trust, and morality demanded of a member of the Spokane Police Department.

ETHICAL STANDARDS

Standard 4.1:

Members of the Spokane Police Department shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

Standard 4.2:

Members of the Spokane Police Department shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties.

Standard 4.3:

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Members of the Spokane Police Department shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, members shall notify their supervisors prior to reporting for duty.

Standard 4.4:

Members of the Spokane Police Department shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the Spokane Police Department.

Standard 4.5:

Members of the Spokane Police Department shall not undertake financial obligations which they know or reasonably should know they will be unable to meet, and shall pay all just debts when due.

Standard 4.6:

Members of the Spokane Police Department shall not engage in illegal political activities.

Standard 4.7:

Members of the Spokane Police Department shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as members of the Spokane Police Department in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the member involved.

Standard 4.8:

Members of the Spokane Police Department shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

Standard 4.9:

Members of the Spokane Police Department shall at all times conduct themselves in a manner which does not discredit the law enforcement profession or the Spokane Police Department.

Standard 4.10:

Members of the Spokane Police Department shall not be disrespectful, insolent, mutinous or insubordinate in attitude, or conduct, or by disregarding a lawful order.

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Standard 4.11:

Members of the Spokane Police Department shall be courteous and respectful in their official dealings with the public, fellow members, superiors and subordinates.

Standard 4.12:

Members of the Spokane Police Department shall not engage in any strike, work obstruction, or abstention, in whole or in part, from the full, faithful, and proper performance of their assigned duties and responsibilities, except as authorized by law.

Standard 4.13:

Members of the Spokane Police Department shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in any official capacity.

CANON FIVE

Members of the Spokane Police Department shall recognize that our society holds the freedom of the individual as a paramount precept which shall not be infringed upon without just, legal, and necessary cause.

ETHICAL STANDARDS

Standard 5.1:

Officers of the Spokane Police Department shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

Standard 5.2:

Members of the Spokane Police Department shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

Standard 5.3:

Officers of the Spokane Police Department shall not use their official position to detain any individual or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX

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Members of the Spokane Police Department shall assist in maintaining the integrity and competence of the Spokane Police Department.

ETHICAL STANDARDS

Standard 6.1:

Members of the Spokane Police Department shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.

Standard 6.2:

Members of the Spokane Police Department shall perform their duties in such a manner as to discourage double standards.

Standard 6.3:

Members of the Spokane Police Department shall conduct themselves so as to set exemplary standards of performance.

Standard 6.4:

Members of the Spokane Police Department shall maintain the integrity of the Department through complete disclosure of those who violate any of these rules of conduct, violate any law, or conduct themselves in a manner which tends to discredit the law enforcement profession.

Standard 6.5:

Members of the Spokane Police Department shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring or entering the profession.

Standard 6.6:

Members of the Spokane Police Department shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.

Standard 6.7:

Chief executive officers of the Spokane Police Department shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of the Spokane Police Department and the competency of

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their members. These canons and ethical standards shall apply to all members of the Spokane Police Department regardless of position.

Standard 6.8:

Officers of the Spokane Police Department shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN

Members of the Spokane Police Department shall cooperate with other officials and organizations that are using legal and ethical means to achieve the goals and objectives of the law enforcement profession.

ETHICAL STANDARDS

Standard 7.1:

Members of the Spokane Police Department, within legal and agency guidelines, shall share with personnel, both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

Standard 7.2:

Members of the Spokane Police Department, whether requested through appropriate channels or called upon individually, shall render needed assistance to any member in the proper performance of their duty.

Standard 7.3:

Officers of the Spokane Police Department shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT

Members of the Spokane Police Department shall not compromise their integrity, nor that of their agency or profession, by accepting, giving, or soliciting any gratuity.

ETHICAL STANDARDS

Standard 8.1:

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Members of the Spokane Police Department shall refuse to offer, give, or receive gifts, favors, or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate members of the Spokane Police Department from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

Standard 8.2:

Officers of the Spokane Police Department shall not consider their badge of office as a license designated to provide them with special favor or consideration.

CANON NINE

Members of the Spokane Police Department shall observe the confidentiality of information available to them through any source, as it relates to law enforcement.

ETHICAL STANDARDS

Standard 9.1:

Members of the Spokane Police Department shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

Standard 9.2:

Members of the Spokane Police Department shall treat as confidential the official business of the Department, and shall release or disseminate such information solely in an authorized manner.

Standard 9.3:

Members of the Spokane Police Department shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

Standard 9.4:

Members of the Spokane Police Department shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Standard 9.5:

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Members of the Spokane Police Department shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

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MISSION/VISION STATEMENT

Vision of the Spokane Police Department

To become the "safest city of our size in America"

Mission of the Spokane Police Department

Working together to build a safe community.

Values of the Spokane Police Department

SERVICE-SPD strives to provide efficient, effective, and courteous service.

PRIDE-SPD is proud to serve the community through honorable and professional policing.

DEDICATION-SPD is dedicated to results through accountability and leadership.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers as defined by RCW 9A.04.110(13) and 9A.04.110(15). The authority of any such peace officer to make an arrest without a warrant is enumerated in RCW 10.31.100, and includes:

- (a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in RCW 10.31.100, subsections (1) through (10).

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 SPECIAL SPOKANE POLICE COMMISSIONS

Special police commissions may be issued in accordance with Spokane Municipal Code 10.41A by the Chief of Police or designee to persons outside the department who have a need for limited enforcement authority.

100.5 OTHER POLICE COMMISSIONS

Police commissions from other law enforcement agencies may be issued to Spokane police officers when necessary and/or desirable. No Spokane police officer may accept a commission from another agency without prior notice and permission from the Spokane Police Chief.

Law Enforcement Certification

102.1 PURPOSE AND SCOPE

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH OF OFFICE

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

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

"I, (state your name), do solemnly swear that I will support the Constitution and Laws of the United States and of the State of Washington, and the charter and ordinances of the City of Spokane, and that I will, to the best of my ability, faithfully, honestly, and impartially perform and discharge the duties of Police Officer during my continuance as such, so help me God."

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106.1 PURPOSE AND SCOPE

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

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

106.2 RESPONSIBILITIES

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

106.2.1 CHIEF OF POLICE

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

106.2.2 COMMAND STAFF

Command staff shall consist of the following:

- Chief of Police
- Assistant Chief of Police
- The Major from each bureau
- The Captain from each bureau

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

106.2.3 OTHER PERSONNEL

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

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106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

106.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

C.F.R. - Code of Federal Regulations

City - The City of Spokane

CJTC - The Washington State Criminal Justice Training Commission

Department/SPD - The Spokane Police Department

DOL - The Department of Licensing

Employee/Personnel - Any person employed by the Department.

IA - Internal Affairs

Juvenile - Any person under the age of 18 years.

Manual - The Spokane Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

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

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

PIO - Public Information Officer

Off-Duty - Employee status during which the employee is not in an on-duty or extra duty status.

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

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

Rank - The job classification held by an officer.

RCW - The Revised Code of Washington

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Shall or Will - Indicates a mandatory action.

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

SMC - Spokane Municipal Code

U.S.C. - United States Code

WAC - The Washington Administrative Code

WSP - The Washington State Patrol

106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to all employees. An electronic medium, such as a compact disc, shall be provided upon implementation of this manual and when initially hired.

An electronic version of the Policy Manual will be made available on the department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from the Chief of Police or designee.

106.4 POLICY MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. Each member is required to sign a Statement of Receipt acknowledging that they have received a copy of the Policy Manual and understand they are responsible to read and become familiar with its contents. This receipt will be filed in the employee's personnel file.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the "H" drive under the title Recent Policy Manual Revisions. The Chief's office will forward revisions to the Policy Manual each quarter to all personnel via electronic mail. Each employee shall acknowledge receipt by return E-mail, review the revisions and seek clarification as needed. Employees may print a copy of the updated policy for inclusion in their manual.

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

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Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Spokane Police Department. The office of the Chief shall administer Internal Affairs, PIO Finance, Personnel and all other administrative functions not assigned to the bureaus. There are two bureaus in the police department as follows:

- Operations Bureau
- Operations Support Bureau

200.2.1 OPERATIONS BUREAU

The Operations Bureau is commanded by a Major whose primary responsibility is to provide general management direction and control for that bureau. The Operations Bureau consists of Uniformed Patrol, Patrol Administration, Combined Communications, Neighborhood Resource Officers, Special Police Problems, Traffic and Special Teams.

200.2.2 OPERATIONS SUPPORT BUREAU

The Operations Support Bureau is commanded by a Major whose primary responsibility is to provide general management direction and control for the Operations Support Bureau. The Operations Support Bureau consists of Investigations, Property and Evidence Facility, Crime Analysis, Records, Training, Special Op's Group (SOG), Planning, Volunteer Services, Special Events, Community Services, COPS and Administrative Services.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the department. During planned absences the Assistant Chief will serve as the acting chief of police.

Except when designated as above, due to the unavailability of the Chief and Assistant Chief, a member of the command staff will be assigned to serve as acting chief.

200.3.2 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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200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

General Order

204.1 PURPOSE AND SCOPE

General Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with current Collective Bargaining Agreements. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual as required upon approval of command staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

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

204.2 RESPONSIBILITIES

204.2.1 COMMAND STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all General Orders.

Disaster Plan

206.1 PURPOSE AND SCOPE

The City-County Department of Emergency Management has prepared a Comprehensive Emergency Management Plan (CEMP) for use by all employees in the event of a major disaster 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.

Contained in the CEMP is a list of Emergency Support Functions (ESF's) that outline the general guidelines by which the city/county organizations will carry out the responsibilities assigned in the CEMP. ESF number 22 has Law Enforcement designated as the lead agency. The Emergency Management Policy Board (EMPB) provides oversight for the plan and is advised by the Emergency Management Advisory Council. The City of Spokane Police Chief serves as a member of the EMAC.

206.2 ACTIVATING THE EMERGENCY PLAN

The Comprehensive Emergency Management Plan can be activated in a number of ways to include various levels of activation of the Emergency Operations Center (EOC). The plan contains specifics as to activation procedures.

206.3 LOCATION OF MANUALS

The manual for the employees is available in Administrative Services and the Shift Commanders' offices. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and what roles police personnel will play when the plan is implemented.

206.4 CITY OF SPOKANE AUTHORITY

SMC 2.04 relates to civil emergencies. The ordinance sets out and clarifies the authority of the city and its officers with regard to local, regional, and national emergencies as well as disaster situations.

This ordinance is intended, in conformity with Article 11, Section 11 of the Washington State Constitution and with RCW chapter 38.52, to provide the city with the broadest power permitted by constitutional and statutory authority to preserve the public peace, health, safety and welfare.

Under this authority, the Mayor (or legal alternate) may make a declaration of emergency, that for the duration of the emergency, may contain specified emergency orders which in turn may delegate enforcement authority to law enforcement officers and designated emergency personnel.

206.5 UPDATING OF MANUALS

The Chief of Police or designee shall review and update, if necessary, the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS).

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206.6 BUILDING EVACUATION PLAN

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

Training Policy

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program. Training will provide for the professional growth and continued development of department personnel, and will ensure department personnel possess the knowledge and skills necessary to provide a professional level of service to the community.

208.2 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 State Criminal Justice Training Commission (WSCJTC).

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Meet state requirements for training.
- (e) Annual review of high-risk/high-liability policy.

208.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Training Lieutenant. It is the responsibility of the Training Lieutenant 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 following required CJTC Training (WAC 139-050-300):
 - 1. Federal and Washington Court cases.
 - 2. Legal updates.
- (b) All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.
- (c) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.
- (d) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (e) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.

The plan will also address the following areas:

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- Legislative changes
- Case law
- State mandated training
- Critical issues training
- Officer enrichment training
- Unit specific training
- Management and leadership training

208.5 TRAINING NEEDS ASSESSMENT

The Police Academy will conduct an annual training-needs assessment of the department. The needs assessment will be reviewed by senior staff. Upon approval by the senior staff, the needs assessment will form the basis for the training plan for the fiscal year.

208.6 TRAINING DOCUMENTATION

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

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

208.7 OTHER TRAINING RESOURCES

In order to maintain a consistent and professional training regime, training from a variety of sources should be utilized. These resources include but are not limited to:

- (a) Training manuals and standard operating procedures, i.e., Defensive Tactics manual, Records Division Operating Procedures, etc.
- (b) Combined other agency training, i.e., SCSO sponsored training.
- (c) WCJTC regional training manager, who provides state mandated training, and other training vendors.
- (d) Spokane Police Department's cadre of experienced state certified trainers.
- (e) On-line training provided through the WSCJTC.
- (f) Commercial vendors for criminal justice and other topics.

208.7.1 OTHER TRAINING PROGRAMS

Remedial Training-Work Improvement

- The Training Unit will assist the affected officer's immediate supervisor in cooperation with Human Resources by creating, implementing and evaluating a work improvement program for officers that have been determined to need remedial training.

Required Re-Entry - Re-Integration Training Plan

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- Any officer absent, for any reason, for a period of more than six months, shall be assigned to the Training Academy for a minimum of one shift. This shall occur prior to their being assigned in any capacity to their primary duty post.
- It shall be the responsibility of the Training Unit in cooperation with the officer and the officer's immediate supervisor to design and implement a re-integration training program. This program will be designed to fit the unique needs of the officer taking into account their seniority, position, length of time absent, and known skill sets.
- The Training Unit will also act as coordinator for any certifications, equipment or qualifications the officer may be required to have or that require updating.
- All re-entry, re-integration training shall be designed for the skills and training necessary for a smooth transition back to their primary assigned position.

Daily Training Bulletins

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

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the DTB training coordinator. 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 logoff 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, 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. A random, monthly audit for completion of the monthly DTBs will be performed by the Training Unit on the 15th of each month, looking at the previous month. For those members whose DTBs are not completed, an e-mail will be sent to them and their immediate supervisor.

208.7.2 PRE / POST ACADEMY AND EQUIVALENCY ACADEMY

The Training Unit will coordinate and issue all necessary pre-academy paperwork and qualifications for new SPD recruits. This may include agency specific training prior to their attending the WSCJTC Academy.

The Training Unit will arrange all necessary paperwork, supplies and travel arrangements for all entry level officers attending the WSCJTC Basic Academy.

- A vehicle for transportation and a laptop computer will be supplied to the officers should it be necessary for them to attend the WSCJTC Academy in Burien, Washington.

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All Post Academy training will be designed and implemented by the Training Unit. The Training Unit will arrange all necessary paperwork, supplies and travel arrangements for all lateral officers attending the WSCJTC Equivalency Academy, as well as any Post Academy training that may be needed for department specific skills and knowledge.

208.8 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation.
 - 5. Emergency situations

- (b) When an employee is unable to attend mandatory training, that employee shall:
 - 1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
 - 2. Document his/her absence in a memorandum to his/her supervisor.
 - 3. Make arrangements through his/her supervisor and the Training Lieutenant to attend an alternate date.

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (e-mail) by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Washington Public Disclosure Act).

212.2 E-MAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all. Personal advertisements are not acceptable.

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

Employees are allowed limited use of equipment and facilities to access the e-mail system for purposes other than that directly or indirectly related to the activities of the city under the following, but not limited to, conditions:

- (a) The use causes no additional cost to the City of Spokane.
- (b) The equipment being utilized to access the Internet shall be that which is normally utilized by the employee, and there shall be no disruption/disturbance to another employee's work area.
- (c) Time spent processing personal e-mail does not negatively impact the employee's ability to do his/her job.

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- (d) Use of the equipment does not disrupt other city functions.
- (e) Does not violate any other city policy.

212.4 MANAGEMENT OF E-MAIL

User email, stored in the inbox and sent items on the city maintained email server, will be stored for a period of thirty days (one month). At that time, older messages will be moved to the city's email archiving system. However, a link to these messages will remain in the inbox for another 30 days. System mailboxes other than the inbox and sent items box will not be archived and no voicemail messages, regardless of location, will be archived. Once mail has been moved to the vault, messages will be retained for seven years. Users of e-mail are solely responsible for the management of their local mailboxes. All messages maintained in a local mailbox that are not public records, or are duplicates of the master record, should be deleted monthly by the e-mail recipient unless necessary for on-going business of the department.

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

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDER

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.

214.3 CORRESPONDENCE

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

214.4 SURVEYS

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

214.5 GENERAL ORDER

A permanent written order issued by the Chief of Police, affecting or of concern to the entire police department. (All general orders will ultimately be included in the policy and procedures manual.)

214.6 TRAINING BULLETINS

The Spokane Police Department training bulletins shall be relatively brief publication of an authoritative nature, used to train, advise, and inform members of current techniques, practices, information or procedures.

Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a corporal may be used as a field supervisor in place of a field sergeant. There will always be at least one patrol sergeant on duty.

Concealed Pistol License

218.1 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.

218.1.1 APPLICATION OF POLICY

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

218.2 QUALIFIED APPLICANTS

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

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

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

218.3 APPLICATION PROCESS AND RENEWAL

The Chief of Police has thirty days after the filing of an application of any person to issue a license to carry a concealed pistol. If the applicant does not have a valid permanent Washington driver license or identification card or has not been a resident of the state for the previous consecutive ninety days, the Chief of Police has sixty days to issue a license. The Chief of Police must 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 Crime Information Center, the Washington State Patrol electronic data base, the Department of Social and Health Services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies for a new concealed pistol license or to renew a concealed pistol license.

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

The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.173. The license may be in triplicate or in a form to be prescribed by the Department of Licensing.

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

218.3.1 REQUIRED WARNINGS

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

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

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

218.3.2 DOCUMENTATION AND FEES

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

The nonrefundable fee for the original five-year license must be paid upon application. Additional charges imposed by the Federal Bureau of Investigation are payable by the applicant. No other 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.

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Payment shall be by cash, check, or money order at the option of the applicant.

218.4 LICENSE RENEWAL

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

An active duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment or deployment for out-of-state military service may renew his/her license within 90 days after returning to Washington State. Verification for this CPL renewal exception is subject to the requirements of RCW 9.41.070(14).

218.5 TEMPORARY EMERGENCY LICENSE

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

218.6 REVOCATION OF LICENSES

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

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.
- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).
- (e) Upon notification from the Department of Licensing that the licensee has lost his/her right to possess a firearm as identified in RCW 9.41.047.

218.6.1 INELIGIBILITY

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

218.6.2 FIREARM FORFEITURE

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

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- (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 designee shall notify the Department of Licensing in writing of the revocation of a license.

218.7 RECIPROCITY

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

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

218.8 RESIDENCY

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

218.9 CONFIDENTIAL RECORDS

Mental health information received by the Chief of Police pursuant to RCW 9.41.047, RCW 9.41.070, RCW 9.41.090 or RCW 9.41.173 is exempt from disclosure except as provided in RCW 42.56.240 (RCW 9.41.097). Disclosure of information otherwise obtained in the licensing process shall be limited as defined by RCW 42.56.

Retired Officer Firearms Certificate

220.1 PURPOSE AND SCOPE

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

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

220.2 QUALIFIED RETIREES UNDER RCW 9.41.060

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

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

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

220.3 QUALIFIED RETIREES UNDER 18 USC 926C

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

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

220.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

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

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name, address and phone number of the Spokane Police Department.
- (e) If applicable, a notation that: "This person qualifies as an honorably retired law enforcement officer under RCW 9.41.060(10)."

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220.5 ISSUANCE OF FIREARMS CERTIFICATE

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

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

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Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in every situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 PHILOSOPHY

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 human encounters and when warranted, may use force in carrying out their duties.

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

The department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.1.2 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers should also promptly report these observations to a supervisor.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. Reasonableness of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation in circumstances that are tense, uncertain and rapidly evolving .

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force. This policy shall be reviewed in conjunction with developing case law.

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Use of Force

300.2.1 USE OF FORCE TO EFFECT AN ARREST

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

The use, attempt or offer to use force upon or toward another person is not unlawful whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the Spokane Police Department's direction (RCW 9A.16.020(1)). Necessary means that 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(1)).

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

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

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300.2.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, Tasers, and other control devices described in Policy Manual §§ 306, 308, and 309 respectively.

300.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives, such as utilization of specialized teams and tactics.

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

300.2.5 LATERAL NECK RESTRAINT

The proper application of the lateral neck restraint technique (level I or II) by a trained officer may be effective in quickly restraining a violent individual. Only officers who have successfully completed department-approved training on the use of the lateral neck restraint and the department Use of Force policy are authorized to use the technique.

After any application of any lateral neck restraint technique, the officer shall ensure the following steps occur:

- (a) The level I lateral neck restraint (not rendered unconscious) may only be used when the officer reasonably believes that such a technique appears necessary to obtain control of a physically non compliant subject.
- (b) The level II lateral neck restraint (rendered unconscious) may only be used when the officer reasonably believes that such a technique appears necessary to obtain control of a non compliant subject, where the situation is perceived as, or may result in an actual assault on an individual or officer.
- (c) Any individual who has been rendered unconscious by the use of the lateral neck restraint shall be promptly examined by paramedics or other qualified medical personnel.

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- (d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the lateral neck restraint and has lost consciousness as a result.
- (e) Any officer applying the lateral neck restraint where unconsciousness has occurred shall promptly notify a supervisor.
- (f) The use or attempted use of the lateral neck restraint shall be thoroughly documented by the officer in the incident report.

300.3 DEADLY FORCE APPLICATIONS

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:

- (a) 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.
- (b) 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, 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. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Whenever it is necessary for an officer to use force, the officer shall include a full description of the use of force in the incident report. When the use of force results in an apparent or claimed injury to a person or an intentional discharge of a firearm, a written report to the office of the Chief of Police relating all the circumstances shall be made through the chain of command and will include a copy of the incident report.

300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury.
- (b) The individual has expressed a complaint of injury.
- (c) Any application of a control device.
- (d) The individual has been rendered unconscious.
- (e) Or as otherwise required by policy.

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury, or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any 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 an audio

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recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit symptoms of excited delirium, such as extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain, or who require a protracted physical encounter with multiple officers to bring under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be transported to a hospital and medically cleared prior to booking. Transportation by ambulance should be used when possible.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor becomes aware of an incident in which there has been a reported application of force as defined in the policy manual §300.4.1, the supervisor shall be responsible for the following:

- Complete a Use of Force report when a level II lateral neck restraint has been utilized or any level of force results in unconsciousness or apparent/claimed injury.
- When a Use of Force report is required, the supervisor shall:
 - Respond to the scene (if needed).
 - Interview involved officers, witnesses, and other involved persons.
 - Collect evidence (when appropriate).
 - Prepare and submit a Use of Force report through the chain-of-command.
 - Complete the recommendation section of the Use of Force report.

In the event that the supervisor believes that the incident may give rise to potential civil litigation, the supervisor shall notify the DSO.

When it is apparent that the officer may have violated departmental policy or procedure, or an allegation of misconduct is made by the suspect or a third party, initiate an Allegation of Misconduct Report in addition to other reports and route the original to Internal Affairs, and a copy to the Chief of Police through the chain of command.

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.

Deadly Force Review

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

302.2 ADMINISTRATIVE REVIEW PANEL

The Administrative Review Panel (ARP) will review the completed investigative file. The ARP will make a recommendation to the Chief of Police as to whether the use of force was consistent with departmental policy. The Deadly Force Review Board will convene upon conclusion of any additional investigation and discipline, if any, and at the direction of the Chief of Police.

302.3 DEADLY FORCE REVIEW BOARD

The Spokane Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Use of Deadly Force Review Board may also review the circumstances surrounding an accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

The Chief of Police may convene the Use of Deadly Force Review Board to review the circumstances surrounding any use of force incident.

302.3.1 COMPOSITION OF THE BOARD

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

- Bureau commander serving as the chairperson.
- Command representative of each bureau.
- Training lieutenant.
- Two peer officers selected by the Chief of Police or designee.
- A member of the Public Safety Committee.
- A member of the respective collective bargaining unit.
- Departmental subject matter experts as determined by the Board Chairperson.
- Non-administrative supervisor.

The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the bureau or unit commander of the involved employee(s) to notify the Assistant Chief of Police of any incidents requiring board review. The bureau or unit commander will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

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Deadly Force Review

302.3.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative review of an incident and make recommendations in the following areas:

- Tactical considerations
- Training considerations
- Quality of supervision
- Other relevant observations and recommendations
- Equipment considerations

The board does not have the authority to recommend discipline. After the board has concluded, the board chairman will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the Bureau Commander for review and appropriate action.

The board chairman will contact the involved officers whose actions were examined by the DFRB and provide them the opportunity to view the information that was presented to the DFRB and review the written findings.

At the conclusion of the review process, a copy of all relevant reports and information will be filed in Internal Affairs.

Shooting Policy

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.1.1 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- (a) To protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) To effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting 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. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal.
 1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat have failed, are not reasonably available or would likely be ineffective.
 2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g., dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, TASER™, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- (d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be turned over to Spokanimal, who will take them to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.
- (e) For target practice at an approved range.

Where feasible, a verbal warning should be given before an officer resorts to deadly force as outlined in (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

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Shooting Policy

304.1.2 WARNING SHOTS

If feasible, some warning shall be given prior to the application of deadly force; however, warning shots are prohibited.

304.1.3 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

304.1.4 REPORT OF WEAPON DISCHARGE

Any member who discharges a duty weapon accidentally or intentionally, or any authorized weapon while on-duty, shall make a verbal report to a supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with his/her Bureau Commander prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift. If the discharge of firearm resulted in injury or death to a person, refer to the Fatal Incident Protocol.

Note: The reporting of intentional discharges does not apply to training/recreational use.

Leg Restraint Device

306.1 PURPOSE AND SCOPE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper use of these devices.

306.2 POLICY

When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved by the department shall be used, and only in the departmentally approved manner for such temporary immobilization of the legs.

306.3 AUTHORIZED RESTRAINT

Only authorized restraints approved by the Spokane Police Department Defensive Tactics Instructors (and SPD Command Staff) will be used to restrain subjects.

306.4 USE GUIDELINES

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

- (a) If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect.
- (b) If it is reasonable to protect the suspect from his/her own actions which would place him/her in danger e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers.
- (c) The restraint should be used only after a person has been handcuffed.

306.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury, or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit symptoms of excited delirium such as extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be transported to a hospital and medically cleared prior to booking. Transportation by ambulance should be used when possible.

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If any individual refuses medical attention, such a refusal shall be fully documented in related reports and a supervisor should be notified. Whenever practicable, the refusal should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

306.5 PROCEDURE

The leg restraint device is designed to reduce the likelihood of injury to the restrained person or others and to reduce the likelihood of property damage caused by the restrained person by preventing them from using his/her legs in a manner likely to result in injury or damage. The leg restraint will only be used to bind and immobilize a person's legs. Only those officers trained in the use of the leg restraint are authorized to employ it on any person. The following guidelines shall be used when applying the leg restraint device:

- (a) If practical, officer(s) should notify a supervisor of the intent to apply the leg restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the leg restraint.
- (b) Once the person's legs have been bound, the safety clip of the leg restraint may be attached to the chain of the handcuffs insuring enough slack is left to allow for proper breathing.
- (c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat.
- (d) Once secured, the person shall not be placed on his/her stomach for an extended period as this may potentially reduce the person's ability to breathe. The suspect should be rolled to his/her side as soon as practical.
- (e) The restrained person should be kept under constant observation by an officer while in the leg restraint. The officer is to ensure the person does not roll onto and remain on his/her stomach.
- (f) The officer should look for signs of labored breathing and where practical, take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

306.5.1 TRANSPORTING RESTRAINED SUSPECTS

When transporting a suspect(s) who has been restrained, officers shall observe the following procedures:

- (a) Restrained suspects may be transported in a patrol unit. Use a blanket insertion, placing the suspect on his/her side (left, if practical) in the rear of the patrol unit. A seat bottom from another patrol vehicle will be placed on the floor to prevent the suspect from falling to the floor. The clip and strapping may be secured in the door or left attached to the cuffs, depending on the discretion of the arresting officer.
- (b) The transporting patrol unit should consist of two patrol officers. The officers will monitor the status of the suspect while en route to jail.
- (c) When taken by ambulance/paramedic unit, the suspect shall be accompanied by an officer.
- (d) Officers shall inform the jail staff that the suspect was subjected to being restrained by use of a restraint device prior to arrival at the jail.

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306.6 DOCUMENTATION

Any time the leg restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The officer should include the following in the report:

- (a) The amount of time the suspect was restrained. This can be documented by advising the Combined Communications Center when the restraint is complete.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's physical and physiological actions.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capsicum (OC) spray and CS gas). Only those control devices that have been approved by the Chief of Police or his/her designee are authorized to be carried by members of this department.

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by a Chemical Agent Response Team (CART) member, or the designated instructor for a particular control device.

308.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
- (b) Training for all control devices should occur every two years at a minimum.
- (c) All training and proficiency for control devices will be documented in the officer's training file.
- (d) Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

308.2 BATON GUIDELINES

The baton/collapsible baton is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect may cause serious bodily injury or death to the officer or others. Physical altercations with resisting subjects are difficult to control and it is understood that these areas may be inadvertently struck.

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Nothing in this policy is intended to preclude an officer from using an impact weapon in a manner which would be considered deadly force if the situation is so warranted.

308.3 CS/OC GAS GUIDELINES

The use of CS/OC gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Shift Commander, Incident Commander, TAC Commander, or S.W.A.T. Commander may authorize the delivery and use of CS/OC gas, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of CS/OC gas weapons should discharge such devices at the scene.

308.4 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain department issued oleoresin capsicum in any form. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.4.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.4.2 CARRYING OF OLEORESIN CAPSICUM

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

Canisters involved in any type of malfunction or damage shall be turned in to any CART member for exchange. Damage to City Property reports shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

308.4.3 TREATMENT FOR OC EXPOSURE

Persons who have been affected by the use of chemical agents should be promptly decontaminated when it is safe to do so. The use of water is recognized as the industry standard for this process. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.4.4 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.

308.5 KINETIC ENERGY PROJECTILES/BLUNT IMPACT MUNITIONS

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles/blunt impact munitions, when used properly, are less likely to result in death or serious physical injury.

Kinetic energy projectiles/blunt impact munitions are approved by the department and are fired from 12-gauge shotguns or 37/40 mm launchers. Certain munitions can be used in an

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attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

308.5.1 DEPLOYMENT

Approved munitions are justified and may be used to compel an individual to cease his/her actions when such munitions present a reasonable option for resolving the situation at hand.

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

308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) Has made credible threats to harm himself/herself or others.
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers.

308.5.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an imminent threat to the safety of officers or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the officers present, and physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

308.5.4 DEPLOYMENT DISTANCES

Officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

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308.5.5 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted when deadly force is not reasonably justified.

Officers should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas, however, any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

308.5.6 APPROVED MUNITIONS

Only department approved kinetic energy/blunt impact munitions shall be carried and deployed.

308.5.7 USE OF KINETIC ENERGY/BLUNT IMPACT PROJECTILES

A specially marked shotgun, designated for the use of 12-gauge projectiles, will normally be carried in the trunk of the designed TAC and S.W.A.T. vehicles.

Officers will inspect this shotgun at the beginning of each shift to ensure that it is in proper working order and loaded with approved projectiles only.

Officers assigned to S.W.A.T./TAC who have completed a departmental training course may carry and employ 12-gauge or 37/40 mm projectiles while on duty or while performing S.W.A.T./TAC missions.

An officer may deploy kinetic energy/blunt impact projectiles without prior supervisory approval. However, a supervisor shall be notified as soon as practicable.

The officers selected to deploy the kinetic energy/blunt impact projectiles are authorized to deploy the weapon in compliance with Spokane Police Department policies and procedures governing the use of force. The following protocol should be used:

- Advise the Combined Communications Center that a kinetic energy/blunt impact projectile is about to be deployed.
- Announce "**Index**" in a loud voice prior to discharge of the weapon.

308.5.8 TWO PERSON LOADING PROCEDURES

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy/blunt impact munitions will employ the two person rule for loading. The two-person rule is a safety measure achieved by having a second officer watch the loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.5.9 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification course.

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308.6 RESPONSIBILITIES

308.6.1 SHIFT COMMANDER RESPONSIBILITIES

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

- (a) The Shift Commander may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Shift Commander.
- (b) The Shift Commander shall review each use of control devices by any personnel within his/her command.
- (c) The Shift Commander shall ensure Roll Call training on the use of control devices is provided as needed.

308.6.2 CART RESPONSIBILITIES

CART shall control the inventory and shall issue all control devices. All damaged or inoperative control devices shall be returned to CART for disposition, repair or replacement.

308.6.3 MAINTENANCE RESPONSIBILITY

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

308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual §§ 300.4 and 300.5.

TASER ® Guidelines

309.1 PURPOSE AND SCOPE

The TASER™ is considered a non-deadly control device that is intended to temporarily control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

Personnel who have completed department approved training may be issued a TASER™ for use during their current assignment. Personnel leaving a particular assignment may be expected to return their issued device to the department's inventory.

Officers shall only use the TASER™ and cartridges that have been issued by the department. The device shall be carried by patrol officers as a part of an officer's equipment in an approved holster or in the designated pocket in the patrol jump suit.

- (a) Effective January 1, 2011, all officers carrying a TASER™ on duty, will carry the device on the opposite side of their body from their duty holster and department firearm.
- (b) All TASERs™ shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (c) Whenever practical, officers should carry a total of two or more TASER™ cartridges on their person at all times while carrying a TASER™.
- (d) Officers shall be responsible for insuring that their issued TASER™ is properly maintained and in good working order at all times.
- (e) Officers should not hold both a firearm and the TASER™ at the same time.

309.3 VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER™ shall precede the application of a TASER™ in order to:

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

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER™) or 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 their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

309.4 USE OF THE TASER

An officer may deploy the TASER™ without prior supervisory approval. However, a supervisor shall be notified as soon as practicable. The officers selected to deploy

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the TASER™ are authorized to deploy the weapon in compliance with Spokane Police Department policies and procedures governing the use of force. The following protocol should be used:

- Move safety to "off" position.
- Advise the Combined Communications Center that a TASER™ is about to be deployed. This will help avoid sympathetic firearms response.
- Announce "INDEX" in a loud voice.
- Pull trigger; deploy probes.
- Evaluate situation and repeat application if necessary.
- Move safety to "on" position.
- Remove spent cartridge and reload with a new cartridge.
- Repeat procedure if necessary and justified.

As with any law enforcement equipment, 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 TASER™. Although the TASER™ rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER™ when circumstances known to the individual officer at the time indicate that the application of the TASER™ is reasonable to subdue or control:

- (a) A violent or physically resisting subject, or
- (b) A potentially violent or physically resisting subject if:
 1. The subject has verbally or physically demonstrated an intention to resist; and
 2. The officer has given the subject a verbal warning of the intended use of the TASER™ followed by a reasonable opportunity to voluntarily comply; and
 3. Other available options reasonably appear ineffective or would present a greater danger to the officer, subject or others.
 4. 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 shall not serve as good cause for the use of the taser to apprehend an individual.
- (c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER™ to any of the following individuals:
 1. Pregnant females.
 2. Elderly individuals or obvious juveniles.
 3. Individuals who are handcuffed or otherwise restrained.
 4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.
 5. Passively resisting subjects.
 6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

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7. Individuals that are armed with a firearm.
 - (d) While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, groin, and chest, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER darts to a precise target area. As such, officers should take prompt and on-going care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.
 - (e) Persons suspected of being under the influence of drugs/alcohol or who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain (sometimes called excited delirium) or who require a protracted physical encounter with multiple officers to bring under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.
 - (f) Because the application of the TASER™ in the Drive Stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised as the controlling effects may be limited.

A backup officer with a lethal capability should, whenever possible, accompany an officer deploying the TASER™.

The TASER™ shall not be used to torture, psychologically torment, elicit statements, or inflict undue pain on any individual.

309.4.1 MULTIPLE APPLICATIONS OF THE DEVICE

If, after a single application of the TASER™, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the probes or darts are making proper contact, or if the use of the TASER™ is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. This however, shall not preclude any officer from more than one reasonable application of the TASER™ on an individual. Generally no more than three TASER™ applications should be used. In any event, every application must be justified under Use of Force standards.

309.4.2 REPORT OF USE

All TASER discharges shall be documented in the appropriate investigative reports outlining the circumstances under which the TASER™ was deployed. The terminology used by all officers must articulate the necessity for the use of force. Supervisors must review reports submitted by all officers present during the TASER™ application. Supervisors shall initiate the appropriate Use of Force administrative reporting procedure. In addition, expended cartridges shall be collected and retained as evidence. Expended cartridges can also be retained in the event that a malfunction needs to be documented. Accidental discharges of a TASER cartridge will also be documented on the appropriate incident report. Any report documenting the discharge of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

The on-board TASER memory will be downloaded through the data port and saved with the related arrest/crime report.

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Internal Affairs is responsible for tracking deployments of the TASER™ and will submit annual Use of Force reports to the Chief of Police.

309.5 MEDICAL TREATMENT

Whenever a TASER™ is applied to an individual as a fired probe, the Spokane Fire Department or a Medic Unit shall be called to the scene to examine them. EMS personnel will remove darts as long as they do not involve the eyes, face, neck, breast or groin. A physician at an appropriate medical facility will remove darts to these areas. Once assessed by relevant medical personnel, subjects may be further processed and/or booked into jail. Expended TASER™ darts shall be handled as a bio-hazard and contained in a properly marked bio-hazard container. TASER™ cartridges shall be placed in the Property and Evidence facility. Photographs will be taken of all subjects that receive TASER™ applications to document extent of injury, even if no injury is visible.

Persons who exhibit symptoms of excited delirium, such as extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain, or who require a protracted physical encounter with multiple officers to bring under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be transported to a hospital and medically cleared prior to booking. Transportation by ambulance should be used when possible.

309.6 TRAINING

The TASER™ will only be issued to and carried by authorized officers of the Spokane Police Department. All sworn personnel selected to deploy the TASER™ shall attend and successfully complete a four-hour training and certification class. In addition to the four-hour initial training course, all officers assigned a TASER™ shall qualify with their weapon once a year. Failure to comply with this requirement will result in a suspension of authorization to carry the TASER™ until such time as the re-qualification is completed. Each TASER™ shall be individually assigned and shall be listed by serial number to each selected officer.

In addition to the initial department approved training required to carry and use a TASER™, any personnel who have not carried a TASER™ as a part of their assignment for a period of six months or more shall be re-certified by a department approved TASER™ instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Lieutenant.

The training lieutenant should ensure that all training includes the following:

- Review of this policy
- A review of the Use of Force policy 300
- Target area considerations, to include techniques or options to reduce the intentional application of probes near the chest, groin, neck and head
- De-escalation techniques

Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

To establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Officer Involved Fatal Incident Protocol for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Bureau Commander in accordance with the contractually agreed upon Protocol to Investigate Officer-Involved Fatal Incidents in Spokane County.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of department policy.

310.4 JURISDICTION

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

310.4.1 SPOKANE POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Spokane Police Department will adhere to the Officer Involved Fatal Incident Protocol. The criminal investigation will be performed by the Spokane Investigative Regional Response Team (SIRR), and will take priority over the administrative investigation.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

If the allied agency is a member of the agreed Officer Involved Fatal Incident Protocol and decides to invoke the protocol, then the Spokane Investigative Regional Response Team will conduct the criminal investigation, including the officer-involved aspect of the incident. In lieu of invoking the protocol, the allied agency may investigate the matter by itself or seek aid from other agencies outside of the protocol's requirements. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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Officer-Involved Shooting

310.4.3 SPOKANE POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The Spokane Police Department may elect to have the venue agency conduct the criminal investigation or invoke the Officer Involved Fatal Incident Protocol. The Spokane Police Department will conduct timely civil and/or administrative investigations.

310.5 THE INVESTIGATION PROCESS

The procedure for investigating an officer-involved shooting are contained within the Officer-Involved Fatal Incident Protocol and should be adhered to as guidelines in any case in which an officer is involved in a shooting. The Officer-Involved Fatal Incident Protocol clearly details the actions that should be taken by all participants who have a role in the process of the investigation.

310.5.1 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Incident Commander, team leader of the Spokane Investigative Regional Response Team (SIRR), and the Public Information Officer in the event of inquiries from the media.

It will be the policy of this department not to release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a command-level officer. Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation. Any law enforcement official receiving inquiries regarding an incident that is being investigated under the Officer-Involved Fatal Incident Protocol shall not make public comment unless they represent the agency that has primary investigative responsibility.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

In addition to the duties defined in the Officer-Involved Fatal Incident Protocol, detectives of the Spokane Police Department assigned to the Spokane Investigative Regional Response Team are responsible for providing regular updates to their chain-of-command. These updates should include, but are not limited to: current case status, prompt notification of significant changes effecting the investigation and any information received from the prosecuting attorney. The investigative chain-of-command shall then forward this information to the command staff of the Spokane Police Department.

310.7 OFFICER-INVOLVED FATAL INCIDENTS PROTOCOL

Also see "Officer-Involved Fatal Incidents Protocol"

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all department firearms before they are acquired and utilized by any member of this department for duty related purposes.

312.2 AUTHORIZED FIREARMS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster or qualified department firearms instructor. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

The following firearms are approved for use by officers of this department:

312.2.1 DUTY FIREARMS

Duty firearms consist of department-issued firearms and authorized privately or department-purchased firearms from the approved firearms list.

Department-issued firearms include the Glock, Model 22, 23 and 27 .40 caliber handguns; Colt AR-15 rifles, Remington 870 and Smith & Wesson 12-gauge shotguns (this does not include firearms issued to special teams, i.e. S.W.A.T., dignitary protection, etc.). All officers will be issued a department handgun, however, officers may use a privately owned handgun for their primary weapon as stated below.

Authorized duty firearms must include the following criteria and come from the department's approved firearms list:

- A semi-automatic handgun in single or double-action with a barrel length of not more than six inches; a capacity of no less than six rounds between magazine and chamber, and a caliber of 9mm parabellum; .40 caliber Smith & Wesson, 10mm, .45 caliber ACP or any approved by the Rangemaster.

The approved firearms list may be revised annually. Proposed additions must be made six months prior to the end of the calendar year so that firearms can be tested and approved by the Rangemaster and Chief's office. The Rangemaster and Chief's office have final authorization on any additions to, and removals from, the approved firearms list with the following criteria:

- (a) Grips, sights, magazines and related items will meet factory specifications and be Rangemaster approved.
- (b) Magazine-disconnect removal or additions, and any other modifications, must be approved by the Rangemaster (see § 312.6.1).
- (c) Purchase of holsters, magazine pouches, etc., for non-department issued, but authorized duty firearms, is the responsibility of the quartermaster program. Holsters must meet or exceed department issue standards. The department will purchase no more than one holster, magazine pouch, etc., over a two-year period for non-department issued firearms per officer.

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- (d) Any cost of a member's duty gear over that of the department's standard issue will be incurred by the member. The department will purchase no more than one holster, magazine pouch, etc. over a two-year period for non-department issued firearms per officer.

In the event a privately-purchased duty firearm is taken from an officer during an investigation and the officer is returning to duty, the department will purchase, at the earliest opportunity, a replacement firearm of the same make and model, if currently in production, and the necessary equipment to loan to the officer until their original firearm is returned.

Members working in plain-clothes assignments will follow the same criteria as uniformed personnel; however, special assignments or details (such as undercover work or attachment to other agencies) may require exceptions to this policy, but will fall under the direction of the Rangemaster and/or the Chief's office.

312.2.2 BACKUP AND OFF-DUTY

On-duty officers are allowed to carry privately owned back-up firearm(s) provided that they meet the criteria listed below and have been authorized by the Rangemaster and the Chief of Police. A back-up firearm is a weapon carried on-duty to supplement the officers' department issued or authorized duty firearm. Off-duty officers may carry firearms and ammunition other than department issued or authorized firearms and ammunition as allowed by law. The use of such firearms and ammunition are authorized while the off-duty officer is engaged in on-view law enforcement activities.

Authorized firearms shall be:

- (a) Approved caliber of .380 or greater
- (b) Holds a minimum of five(5) rounds of ammunition
- (c) A revolver that operates double-action or semi-automatic pistol
- (d) An authorization form must be on file with the rangemaster prior to carrying firearm(s) other than the one issued by the department. Officers are required to pass the SPD handgun qualification course when these firearms are initially approved and then at periodic times as part of the Firearms Training Program.

Off-duty officers are encouraged, but not required to carry a department issued or authorized firearm. When carrying their department issued or authorized firearm off-duty, officers shall have their police identification with them and are encouraged to carry their badge. Off-duty officers should not unnecessarily expose their firearms to the general public.

312.2.3 AMMUNITION

Officers shall carry only department-issued ammunition in department issued or authorized firearms while on-duty. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued or authorized firearms during the officers' first scheduled qualification each year. Replacements for un-serviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster or designee when needed in accordance with established policy.

312.2.4 ALCOHOL AND DRUGS

Authorized firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that result in being under the influence as defined in ART25, Section C.2 of the collective bargaining agreement.

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An officer shall not carry a department issued handgun/firearm to a place or event where he/she anticipates consuming alcohol.

312.2.5 LASER SIGHTS

Laser sights may be installed on a department issued or authorized firearm carried on or off-duty after they have been examined and approved by the Rangemaster.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it on duty.

Except during approved training or during a function check situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a firearm at an individual or other authorized target.

312.3 SAFE HANDLING OF FIREARMS

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

312.3.1 SAFETY CONSIDERATIONS

- (a) Officers shall safely display or handle firearms.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall follow the direction of the Rangemaster. Officers shall conduct dry practice in a safe environment.
- (c) Any member who discharges his/her authorized firearm accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to a supervisor as soon as practicable.
- (d) Officers shall not load or unload a firearm anywhere in the department, except where clearing barrels are present.
- (e) When practical, shotguns or rifles removed from vehicles or equipment the storage room shall be loaded and unloaded utilizing a clearing barrel.
- (f) Officers shall not place or store any firearm or other weapons on department premises except where the place of storage is locked. Each officer is responsible for the security of his/her department-issued firearm, and shall not store them in unsecured glove compartments, lockers, athletic bags, or other temporary storage facilities. Where the City of Spokane is notified by an officer that a city owned vehicle is not equipped with a secure internal locking compartment, the city will repair or install a secure internal locking compartment in that vehicle. A lockable glove box is a secure internal compartment.
- (g) Any firearm authorized by the department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Rangemaster for inspection. Any firearm determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is again rendered serviceable.

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312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all department firearms are stored in a manner that ensures the safety of others.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify quarterly with their duty firearm on an approved range course, which may include proficiency and/or tactical courses. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, and training. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

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

- (a) Members who fail to qualify during two successive qualification courses will be relieved from field assignment and appropriate disciplinary action may follow.
 - 1. The Rangemaster or designee will issue a written order directing the officer to use only the firearm for practice or training.
 - 2. The Rangemaster or designee will notify his/her chain of command of the failure and officer status change.

- (b) Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:
 - 1. Additional range assignments may be required until consistent firearm proficiency is demonstrated.
 - 2. Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
 - 3. No range credit will be given for the following:
 - (a) Unauthorized range make-up.
 - (b) Failure to qualify after remedial training.

312.5 RANGEMASTER DUTIES

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

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

The Rangemaster has the responsibility of making periodic inspections, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned firearm unfit for service.

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The officer may be responsible for all repairs to his or her personal firearm and it will not be returned to service until inspected by the Rangemaster.

312.6 MAINTENANCE AND REPAIR

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

312.6.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

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

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

312.7 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their department identification card and a state-issued driver license. Additionally, officer(s) must present their identification to airline officials when requested.
- (c) All required notifications must be transmitted in accordance with TSA regulations.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer's flying while armed.
- (e) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. Officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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312.8 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the conditions of 18 United States Code 926B and C.

Vehicle Pursuit Policy

314.1 PURPOSE AND SCOPE

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

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved.

This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable^{3/4} That is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement (RCW 43.101.225).

314.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension and is deliberately operating a motor vehicle in a reckless manner.

314.1.2 VEHICLE FOLLOW DEFINED

A vehicle follow is an event involving one or more law enforcement officers attempting to detain a suspect vehicle that is failing to yield to the visual and/or audio signals of the law enforcement officers but not operating the vehicle in a reckless manner.

314.1.3 ATTEMPTING TO ELUDE

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

314.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a motor vehicle pursuit shall be conducted only with emergency lights and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road. The following policy is established to provide officers

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with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

314.2.1 WHEN TO INITIATE A PURSUIT

It is the policy of the Spokane Police Department that pursuits are permissible only when the necessity for immediate apprehension outweighs the danger created by the pursuit itself. Officers shall not initiate a pursuit solely for traffic infractions nor property crimes, whether misdemeanor or felony. Officers may initiate pursuits for the following reasons:

Violent Felony or warrant for same, DV Assault (within mandatory arrest window) DUI, Reckless Driving of an egregious manner prior to the officer encountering the suspect vehicle.

While officers may initiate a pursuit for the above listed reasons, officers shall at all times consider the following factors individually and collectively in deciding whether to initiate or continue a pursuit:

- (a) 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.
- (b) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (c) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (d) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of immediately apprehending the suspect.
- (f) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (g) Vehicle speeds.
- (h) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (i) Availability of other resources such as helicopter assistance.
- (j) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle. Pursuits shall not be initiated or entered into when a passenger is in the vehicle. Exceptions may be granted by the Office of the Chief or designee.

As previously stated, pursuits are prohibited when initiated solely for traffic infractions and property crimes (whether felony or misdemeanor), or based on the mere fact that the vehicle is fleeing. The decision to initiate a pursuit must be based on the officer's conclusion that the immediate danger to the public and to the officer(s) created by the pursuit is less than the immediate or potential danger to the public/officer(s) should the suspect remain at large. Information not available to the officer at the time the pursuit was initiated will not be considered later in determining whether the pursuit was justified. In all instances involving vehicle

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pursuits, the initiating officer must be able to clearly articulate the reason(s) why the pursuit was initiated.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

"Terminate" shall mean all pursuing officers shall pull their vehicle to the side of the roadway, stop, shut off emergency equipment and notify the Combined Communications Center of their location. Officers not directly involved as primary or secondary vehicles shall discontinue following the pursuit.

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

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the felony offender is known and it appears that the immediate risks to the public and officer(s) associated with continuing the pursuit now outweigh the risks that the felony offender will continue to pose to the public if allowed to temporarily escape.
- (g) Directed by any commissioned supervisor, to include a corporal

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle. Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

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

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314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles¹/₄ however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point in a safe manner.

314.3.1 AUTHORIZED PURSUIT VEHICLES

The Crown Victoria is currently the only manufacturer certified pursuit vehicle in use by the Spokane Police Department. Special service vehicles to include sport utility vehicles, trucks, vans, traditional passenger cars, motorcycles and other non-pursuit certified vehicles should not be used in pursuits.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are generally prohibited from initiating or joining in any pursuit. Officer(s) in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations.

Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by RCW 46.61.035 do not apply to officers using vehicles without emergency equipment.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- (h) Traffic conditions, vehicular and pedestrian.
- (i) Weather conditions to include road surface.
- (j) Visibility and illumination.

The officer in the primary unit shall be responsible for broadcasting the progress of the pursuit unless directed otherwise by a supervisor or when practical circumstances indicate. Whenever possible, the primary unit, if a one-officer unit, should relinquish the

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responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

"Progress" shall mean updating speed, location, direction of travel and traffic conditions.

314.3.4 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.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.5 PURSUIT DRIVING TACTICS

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) Officers should not pursue vehicles that proceed the wrong way on a highway, freeway, freeway access or one-way street unless specifically authorized by a supervisor.
- (d) Notifying the Washington State Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Other officers in the area of the pursuit shall monitor the progress of the pursuit. They should not become directly involved in the pursuit unless requested to do so by the primary or secondary unit or the supervisor. They should be available in case they are needed to help provide resources that may be needed to terminate the pursuit and assist in the apprehension of the suspects after the pursuit has been terminated. Paralleling the pursuit is allowed for the limited purposes of assisting with traffic control or for other public safety purposes. 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.

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Officers not involved directly in the pursuit, who are needed to assist, will operate their vehicles utilizing emergency equipment as necessary per RCW 46.61.035 and RCW 46.37.190.

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.

314.3.7 AIRCRAFT ASSISTANCE

- When officers initiate a vehicle pursuit, the availability of air support should be considered.
 - The supervising sergeant and/or dispatch supervisor will ensure that this option is considered.
- If air support is available, officers or supervisors should request assistance.
 - "Available" means currently operating in-flight.
- When air support arrives on scene and is able to assume and maintain visual contact with the fleeing vehicle, SPD pursuing officers will discontinue close pursuit, unless the tactical needs of the situation clearly call for continuing close pursuit.
- The intent of discontinuing close pursuit is to encourage the fleeing vehicle to cease driving in a reckless manner because the driver believes police pursuit has ended. It is also recognized that a frequent result of discontinued pursuits is that the suspect driver stops the vehicle and flees on foot.
- When close pursuit is discontinued, units may continue to safely position themselves strategically to respond in the event that the fleeing vehicle stops and/or the suspect(s) flee on foot. This repositioning should be outside of the view of the fleeing vehicle and officers shall use due care and caution when doing so.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department. The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor (corporal or above) will be responsible for the following:

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

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- (j) Complete additional reports as necessary and/or Pursuit Review Report.

314.4.1 SHIFT COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Shift Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Commander has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command. The Shift Commander shall review all pertinent reports for content and forward them through the chain of command to the Patrol Commander.

314.4.2 PATROL COMMANDER RESPONSIBILITY

The Patrol Commander shall review all pertinent reports for content. The Patrol Commander shall be responsible to identify and address any trends that require training or correction within the Patrol Division. The Patrol Commander shall forward the pursuit reviews to the Traffic Unit for storage.

314.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher.

If the pursuit leaves the jurisdiction of this department, involved units may switch radio communications, whenever available, to a channel that is most advantageous for effective radio communications.

314.5.1 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Combined Communications Center will:

- (a) Coordinate pursuit communications of the involved units and personnel.
- (b) Notify and coordinate with other involved or affected agencies as practical.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.
- (f) Notify the Shift Commander as soon as practical.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

The potential for a pursuit to continue to another jurisdiction should be considered a factor that could influence the decision of the supervisor or shift commander to terminate the pursuit.

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Officers making a felony arrest in another state are responsible to have the defendant taken, without unnecessary delay, before a magistrate of the county in the state in which the arrest is made.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when this agency has requested and the other agency has advised that it has assumed the pursuit and assistance of the Spokane Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, and at the direction of a supervisor, to the termination point to assist in the investigation. The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit.

Requests to or from another agency to assume a pursuit should be specific.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit. When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) The original reason for the pursuit is compliant with SPD pursuit policy, section 314.2.1.
- (b) Ability to maintain the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

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

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources.

Ongoing participation from this department should continue 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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314.7 PURSUIT INTERVENTION/FORCIBLE STOPS

Forcible stops are an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

314.7.1 WHEN USE AUTHORIZED

In deciding whether to use forcible stops, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any forcible stop should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

314.7.2 DEFINITIONS

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

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

Pursuit Intervention Technique (PIT) A maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

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

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

Spike Strips or Stop Sticks A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

314.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.7.4 INTERVENTION/FORCIBLE STOP STANDARDS

Any intervention/forcible stop 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/forcible stop 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 forcible stop or intervention tactic or equipment shall consider these facts and

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requirements prior to deciding how, when, where, and if an intervention/forcible stop tactic should be employed.

- (a) Blocking should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Pursuit Intervention Technique (PIT) Only those officers trained and certified in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure. PIT is authorized to apprehend fleeing offenders when less intrusive measures have been tried or considered and have been judged to be ineffective.
 - 1. The officer employing the PIT must balance the necessity of apprehension of the suspect with the risk of utilizing the technique. PIT executed at 40 MPH or less is at the discretion of the officer. PIT executed at more than 40 MPH may be considered only after supervisory approval. The use of a PIT maneuver shall be reported in the incident report and the pursuit review form. Damage to vehicles or property as a result of a PIT maneuver shall be investigated as a collision.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct officers in their decision making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act^{1/4} that is a matter for the courts to determine by established law. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:
 - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
 - 2. The suspect is driving in willful or wanton disregard for the safety of persons^{1/4} or, driving in a reckless and life endangering manner.
 - 3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) Boxing Technique: Pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school

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bus transporting children, then officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

- (e) Spike strips should be deployed only when the involved officers are reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. If a roadblock is approved, there must be an escape route left for the pursued vehicle to use.

314.7.5 CAPTURE OF SUSPECTS

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

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.

314.8 REPORTING REQUIREMENTS

The following reports should be completed:

- (a) Officers shall complete appropriate crime/arrest reports. The primary officer shall complete a report, which shall minimally contain the following information.
 - 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
 - 2. The violation(s) that caused the pursuit to be initiated.
 - 3. The identity of the officers involved in the pursuit.
 - 4. The means or methods used to stop the suspect being pursued.
 - 5. The conditions of the pursuit, including, but not limited to, all of the following:
 - (a) Duration
 - (b) Pursuit route
 - (c) Time of day
 - (d) Weather conditions
 - (e) Maximum speeds
 - 6. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved. Collisions involving serious injury or fatality, the Officer-Involved Fatal Incident Protocol shall be invoked.

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7. Whether the pursuit involved multiple agencies.
 8. How the pursuit was terminated.
- (b) Supervisors shall promptly complete a Pursuit Review Report summarizing the key details of the pursuit. This review will include:
1. Date and time of pursuit
 2. Initiating event
 3. Terminating event
 4. Forcible stop technique
 5. Arrest data
 6. Type of Police unit initiating pursuit
 7. Weather conditions
 8. Day of week
 9. Road type
 10. Locale
 11. Length of pursuit
 12. Number of police units involved
 13. Suspect vehicle type
 14. Police vehicle speed
 15. Suspect vehicle speed
 16. Collision information
 17. Supervisory and chain of command review
 18. Collisions involving serious injury or fatality, the Officer Involved Fatal Incident Protocol shall be invoked.

314.9 VEHICLES FOLLOWS

Officers will include the circumstances of a VEHICLE FOLLOW in the incident report in which it occurred. If the incident does not generate an incident report for some reason, officers will include detailed remarks in CAD. A pursuit review is not required for instances of VEHICLE FOLLOWS

314.10 EVOC TRAINING

In addition to initial and supplementary WSCJTC training on pursuits, all sworn members of this department will participate in periodic department and/or WSCJTC emergency vehicle operations training, thus addressing this policy and the importance of vehicle safety and protecting the public at all times.

Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

Calls for service are prioritized by the Combined Communications Center (see policy § 802). Officers dispatched to Priority 1 or Priority 2 calls shall consider the call an emergency response and proceed immediately. Officers responding to these emergency calls may determine that it is appropriate to utilize emergency equipment in order to facilitate a safe, efficient response. When operating "Code 3" (with emergency equipment engaged), officers shall continuously operate emergency lighting equipment, including at minimum a steady forward facing emergency lights, and shall sound the siren as reasonably necessary (RCW 46.61.035).

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

Any Priority 3, 4 or 5 call is a routine call. Officers are not authorized to respond Code-3 for routine calls. Officers responding to routine calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.3 REQUESTING NON-EMERGENCY AND EMERGENCY ASSISTANCE

Under normal circumstances, officers will request non-emergency assistance in plain speech. Officers should specify the number of backup officers needed.

Code 4: Where a situation has stabilized and emergency response is no longer required, the requesting officer shall immediately notify the Combined Communications Center that no further backup is required.

Code 6: When an officer needs immediate assistance due to a quickly developing, potentially dangerous situation.

Code 13: When an officer requires a back-up, but not emergency, assistance. Officers responding to a Code 13 will respond immediately and by the most direct route, but without utilizing emergency equipment and in compliance with all traffic laws.

Code 98: When an officer is unable to make a voice transmission, she/he may utilize the panic button on either the patrol vehicle MDC or portable radio.

Code 99: When an officer is involved in a situation that is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

Officers responding to a Code 6, Code 99 or Code 98 should respond Code 3 (emergency lights and siren).

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If circumstances permit, the requesting officer should give the following information when issuing a Code 6 or 99:

- The unit number.
- The location.
- The reason for the request and type of emergency.

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall engage emergency equipment and proceed to the call. Officers who respond should reasonably assess factors such as:

- (a) Distance from the call.
- (b) Relative exigency of the call.
- (c) Weather and geographical conditions.
- (d) Traffic.
- (e) Officer's driving experience and ability.

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

Upon receiving a Priority 1 or Priority 2 call, an officer shall immediately give the location from which he/she is responding.

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall dispatch Priority 1 and 2 calls via voice transmission. The dispatcher shall utilize the alert tone when appropriate under Communications Policy. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Notify and coordinate allied emergency services (e.g., fire and ambulance).
- (c) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (d) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Commander, field supervisor and communications supervisor.

316.7 SUPERVISORY RESPONSIBILITIES

Regarding Code-3 responses by units under his/her command, the Shift Commander or the field supervisor should monitor the following:

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- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical or necessary, such as in the instance of a vehicle pursuit.

The field supervisor should monitor the response to Priority 1 and 2 calls, as practical, until the situation has been stabilized or terminated. If necessary, the field supervisor may assert control by directing units into or out of the response. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

When making the decision as to the appropriateness of a Code-3 response, the Shift Commander or the field supervisor should consider the following:

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In such cases, the officer shall notify the Shift Commander, field supervisor, or Combined Communications Center of the equipment failure so that another unit may be assigned to the emergency response if necessary.

Canine Program

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes the individual has either committed or threatened to commit any criminal offense and if any of the following conditions exist:

- (a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The individual is physically resisting arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

318.2.1 PREPARATIONS FOR UTILIZING A CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance the subject has shown.
- (e) The potential for escape or flight if the police canine is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the police canine is not utilized.

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

Generally, a canine handler has the authority to deploy or not to deploy the canine. The handler will evaluate each situation and determine if the use of a canine is technically

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feasible. A supervisor sufficiently apprised of the situation may override the decision of the canine handler and shall assume the responsibility associated with that.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

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

318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags, and any other articles or areas deemed necessary.
- (d) Absent a warrant, a narcotic-detection canine will not be used to search a person for narcotics.

318.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

- (a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will a detection dog be used to render a suspected device safe or clear.

318.2.5 GUIDELINES FOR NON-APPREHENSION USE

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

Patrol canines will only be used in community care-taking situations when it has been established that the risk of death or serious injury outweighs the risk of any injury that may be accidentally inflicted by the canine. Handlers will make a supervisor fully aware of the

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situation and receive explicit permission from the supervisor prior to deploying the canine in all such situations, unless immediate action by the handler is required. During these searches, the handler will take great precaution to avoid unintentional canine contact, always keeping the canine leashed.

318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, documentation shall be completed by the handler and turned in to the canine supervisor.

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

- (a) In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.
- (b) Whenever a bite results, the canine supervisor shall notify the County Health Office as soon after the incident as practical.
- (c) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.
- (d) If an unintentional bite has taken place, the canine supervisor will then contact the person(s) that were injured and take a statement as soon as possible. The duty staff officer will also be notified and on-call risk manager will be notified.
- (e) If injuries are sustained by a City employee or volunteer, a supervisor will be notified and the supervisor will assure that all appropriate reports, to include L & I Injury Report, are completed.

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the canine sergeant or to the on-duty shift commander in his/her absence.

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

The injury will be documented by the canine sergeant.

318.2.8 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Operations Bureau to supplement and assist the Operations Bureau.

Canine teams should function primarily as cover units however; they may be assigned by the Shift Commander to other functions based on the shift needs at the time.

Generally, canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Shift Commander.

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318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Operations Bureau should go through the canine supervisor or the Shift Commander.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Commander or the Unit Coordinator must approve all requests for canine assistance from outside agencies subject to the following provisions:

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

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the canine supervisor prior to making any commitment.

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

318.4 SELECTION OF CANINE HANDLERS

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

- (a) Spokane Police Department officer currently off probation and three years law enforcement experience.
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates) and suitable for housing a police canine as approved by the canine supervisor.
- (c) Live within the state of Washington and within 30 minutes (one direction) of the Public Safety Building.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the canine supervisor.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

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- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler, which may affect the lodging or environment of the canine, shall be reported to the canine supervisor as soon as possible.
- (e) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of a handler.
- (f) The canine may be permitted to socialize in the home with the handler's family under the direct supervision of a handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or Shift Commander.
- (h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the canine supervisor or Shift Commander.
- (i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the canine will be housed at the Police Training Center canine kennels. The canine supervisor will be notified in advance so that he/she may arrange care.

318.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.
- (c) The canine handler shall comply with leash law requirements unless actively deployed, engaged in training, or public demonstrations.

318.5.4 HANDLER COMPENSATION

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

318.6 MEDICAL CARE OF THE CANINE

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

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine supervisor.

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

All records of medical treatment shall be maintained in the canine supervisor's office.

318.6.2 EMERGENCY MEDICAL CARE

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

318.7 TRAINING

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

318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to WSCJTC police service dog standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive all appropriate training as determined by the canine supervisor.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.
- (c) In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Spokane Police Department.
- (d) Canine handlers will attend regular training sessions in order to maintain and enhance skills as well as meet state standards for training hours.
- (e) All canine training shall be conducted while on-duty unless otherwise approved by the canine supervisor or Shift Commander.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE WSCJTC TRAINING

No police service dog team failing WSCJTC police service dog certification shall be deployed in the field until certification is achieved. When practical, pending successful certification, the police service dog handler shall be temporarily reassigned to training status.

318.7.3 TRAINING RECORDS

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

318.8 CANINE SUPERVISOR RESPONSIBILITIES

The canine supervisor shall be appointed by command staff and shall supervise the Canine Program. The canine supervisor is directly responsible to the Unit Commander (a patrol lieutenant). The canine supervisor shall be responsible for, but not limited to, the following:

- (a) Reviewing all Canine Use Reports to insure compliance with policy, identify training issues and other needs of the program.
- (b) Maintain liaison with the vendors.

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- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

- (a) To any duly authorized peace officer assigned to the canine unit.
- (b) Provided the controlled substances are no longer needed as criminal evidence.
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.
- (d) Controlled substances shall be destroyed and replenished periodically to ensure accurate odor for detection.

318.9.1 PROCEDURES

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

- (a) All necessary controlled substance training samples shall be acquired from the Spokane Police Department's evidence personnel or from allied agencies to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine handler with a copy forwarded to the dispensing agency and canine supervisor.
- (e) All controlled substance training samples will be stored in locked boxes at all times, except during training. The locked boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.

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- (f) The canine supervisor 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 Property and Evidence Facility 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.

318.9.2 IMMUNITY

All duly authorized peace officers, while providing substance abuse training to law enforcement or the community, or while providing police service dog drug detection training, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution of laws pertaining to possession of controlled substance and paraphernalia when such possession is in conjunction with the performance of their official duties (RCW 4.24.410).

CITIZEN OBSERVATION of OFFICER ACTIVITIES

319.1 PURPOSE AND SCOPE

It is the policy of the Spokane Police Department that persons not directly involved in an incident may be allowed to remain in proximity of any stop, detention, or arrest, or any other incident occurring in a public place. Allowing persons to remain in proximity to these policing actions is contingent that their presence is lawful and their activities, including their verbal comments, do not obstruct, hinder, delay or threaten the safety of anyone present, including the officers.

No person present should be allowed to compromise the outcome of legitimate police actions and/or rescue efforts.

319.2 WITNESSING STOPS, DETENTIONS, ARRESTS AND OTHER POLICE ACTIONS

- (a) With the prevalence of digital cameras, cell phone cameras and other recording media, it is common (and should be expected) that police incidents may be photographed and/or video recorded both by citizens and the news media.
- (b) Officer safety, the protection of the suspect or person(s) being detained, including his/her right to privacy, as well as the safety of onlookers are all important factors to consider. With these factors in mind, officers shall recognize and obey the right of persons to observe, photograph, and/or make verbal comments in the presence of police officers performing their duty.
- (c) Citizens, regardless of their intent to video and/or audio record a police activity, shall not enter any established, well marked and protected crime scene. This applies as well to any restricted area that would normally be unavailable to the general public. At any secure scene, officers or detectives will determine who enters or leaves the secured area.
- (d) In public areas, there is not a distinction between citizens employed by a news media organization and those who are not. Under most circumstances, the existence of "press credentials" extends no special privileges to any citizen, nor does the absence of such credentials limit a citizen's free access to record law enforcement activities while in public.

319.3 BYSTANDER FILMING OF OFFICER-SUSPECT CONTACTS

- (a) It is increasingly common for those near any police action and who are not directly involved in any criminal activity, to record contacts between officers and citizens. Bystanders have the right to record police officer enforcement activities. Exceptions to this right are when any person doing so:
 - 1. Jeopardizes the safety of the officers or suspect
 - 2. obstructs the officers and/or violates the law
 - 3. threatens others by words or actions
 - 4. attempts to incite others to violate the law

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CITIZEN OBSERVATION of OFFICER ACTIVITIES

319.4 OBTAINING EVIDENCE OF RECORDED MEDIA

- (a) Interviews or contacts with citizens to obtain their identification, as well as accurate and complete evidence are encouraged. Officers shall not demand identification, detain citizens, or seize their recorded media when that media contains video, still images or sounds associated with any police action or crime being investigated.
- (b) When recorded media of any kind is being sought from an uninvolved citizen, the first course of action in securing this evidence should be a request for voluntary surrender of the recorded media. Officers making this request and the citizen's response will be documented in the officer's report. If the citizen voluntarily surrenders the media, they will be given the Incident number and the requesting officer's name.
- (c) When officers do not have sufficient authority to seize any recorded media, but believe it may be of value in an investigation, officers should attempt to obtain their identification and advise the citizen that the recorded media may be evidence of a crime, that a court order will be sought for the media, and that it should not be tampered with, altered or destroyed. This information will be documented in the officer's report.

Domestic Violence

320.1 PURPOSE AND SCOPE

Domestic violence is criminal conduct and it is the policy of the Spokane Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

Officers should respond to domestic violence as they would to any other crime. However, the relationship between the victim and the accused creates additional responsibilities. Officers should provide special assistance in cases of domestic violence, including efforts to inform these victims of services available to them.

320.1.1 DEFINITIONS

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

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

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

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

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

- (a) Assault in the first, second, third and fourth degree (RCW 9A.36.011 to 36.041).
- (b) Drive-by shooting (RCW 9A.36.045).
- (c) Reckless endangerment (RCW 9A.36.050).
- (d) Coercion (RCW 9A.36.070).
- (e) Burglary in the first and second degree (RCW 9A.52.020 and .030).
- (f) Criminal trespass in the first and second degree (RCW 9A.52.070 and .080).
- (g) Malicious mischief in the first, second and third degree (RCW 9A.48.070 to .090).
- (h) Kidnapping in the first and second degree (RCW 9A.40.020 and .030).
- (i) Unlawful imprisonment (RCW 9A.40.040).
- (j) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145).
- (k) Rape in the first and second degree (RCW 9A.44.040 and .050).
- (l) Residential burglary (RCW 9A.52.025).

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(m) Stalking (RCW 9A.46.110).

(n) Interference with the reporting of domestic violence (RCW 9A.36.150).

Employee - Means any person currently employed with an agency.

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

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

Harassment - Includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as harassment or a crime committed in another jurisdiction that under the laws of this state would be classified as harassment under RCW 9A.46.040 (RCW 26.51.010).

Mandatory Arrest - Means a situation where a responding officer does not have discretion whether to make a custodial arrest where probable cause exists to believe that a violation of certain laws has occurred (see Policy Manual § 320.3.1, Mandatory Arrests).

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

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

320.2 OFFICER SAFETY

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers, public and parties involved.

320.2.1 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 Spokane Police Department that all officers will be held accountable for any willful failure to enforce domestic violence laws.

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320.3 ENFORCEMENT OF DOMESTIC VIOLENCE

In its response to domestic violence all employees of the Spokane Police Department should consistently stress the enforcement of the laws in order protect the victim and communicate that criminal behavior will not be tolerated. When determining whether a mandatory arrest is required by law, officers should be aware that the following factors do not prevent the arrest:

- (a) Marital status of suspect and victim.
- (b) Whether or not the suspect lives on the premises with the victim.
- (c) Claims by the suspect that the victim provoked or perpetuated the violence.
- (d) Potential financial consequences of arrest.
- (e) The physical or mental health of either party.
- (f) Use of drugs or alcohol by either party.
- (g) Denial that the abuse occurred where evidence indicates otherwise.
- (h) A request by the victim not to arrest the suspect.
- (i) Location of the incident (public/private).
- (j) Speculation that complainant may not follow through with the prosecution.
- (k) The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

For domestic violence involving law enforcement employees, see Policy Manual § 1052.

320.3.1 MANDATORY ARRESTS

Officers who respond to an incident of domestic disturbance shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

- (a) An order has been issued of which the person has knowledge under RCW 26.44.063, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person.
- (b) A foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime.
- (c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member and the officer believes (RCW 10.31.100 (2)):
 - 1. A felonious assault has occurred.
 - 2. An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not.

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3. That any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition.

320.3.2 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.

320.3.3 RELEASE

Once a suspect has been arrested under the provisions of RCW 10.31.100(2) the suspect shall be taken to jail. Officers have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

320.3.4 VICTIM'S RIGHTS

The officer shall notify the victim of their right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence (RCW 10.99.030(6)(a)). Issuance of a Crime Victims Rights Card will satisfy these requirements.

320.3.5 PROTECTIVE ORDER VIOLATIONS

A willful violation of a no-contact provision of a court order is a criminal offense and shall be enforced accordingly to preserve the integrity and intent of the domestic violence act (RCW 26.50.110 (1)). An officer shall arrest without a warrant and take into custody a person whom the officer has probable cause to believe has violated a valid protective order (RCW chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34), or a valid foreign protection order that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order (RCW 26.50.110 (2)(2)).

320.3.6 TENANCY ISSUES

- (a) If there is no court order in effect, officers may request a person who is not in lawful possession of the premises to leave when:
 1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.); and
 2. The complainant has requested that the person leave the premises.

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- (b) The officer should stand by until the suspect removes essential belongings.
 - 1. Officers will not assist or participate in the division of property.
 - 2. Such civil standbys should be limited to no more than 20 minutes.
- (c) If the suspect does not leave upon request, an arrest may be made for trespass.
- (d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Protection Order or other appropriate civil remedy.

320.4 COURT PROTECTIVE ORDERS

There are three different types of court orders that can be issued by a court in domestic violence situations. They are intended as legal measures to prevent further acts of violence, contact threats or harassment. The three types of orders are:

- (a) Orders of Protection.
 - 1. Orders of Protection must be personally served on the respondent by law enforcement or a process server; unless the court has ordered service by publication. The plaintiff cannot serve the respondent.
- (b) Civil Restraining Order.
 - 1. A restraining order is served on the respondent or the respondent's attorney. Usually this is part of a civil process, e.g., divorce.
- (c) Criminal Court Orders.
 - 1. A criminal No-Contact order is served on the defendant upon release from jail, at arraignment or sentencing. This department maintains a complete and systematic record of all outstanding court orders and proof of service (RCW 26.50.100(1)).

320.4.1 RETURN OF SERVICE

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). Such forms shall include:

- (a) Who was served.
- (b) What documents were served.
- (c) Court order name and number.
- (d) Date and time of service.
- (e) Address where service occurred.
- (f) Serving officers' names, signatures and personnel numbers.

320.4.2 VERIFICATION OF RESTRAINING ORDERS

- (a) When officers respond to alleged violations of court orders, it is necessary to verify the court order and its service through the Combined Communications Center prior to taking any enforcement action. All restraining orders issued in Washington are facially valid statewide. The court orders can be verified by:
 - 1. A proof of service attached to the plaintiff's copy of the order, showing service on the respondent - no further verification is required.

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2. Washington Crime Information Center (WACIC) check.
 3. Contacting the law enforcement agency in the jurisdiction where the order was issued.
 4. Contacting the Court Clerk's office.
 5. Determining that the respondent has knowledge of the order:
 - (a) No proof of service is required for No-Contact orders as the respondent's presence is required at the time of issue.
 - (b) If the order has been served, but neither the complainant nor the respondent has a copy reflecting the terms of the order, request that dispatch check the terms.
- (b) If the order is not verifiable:
1. The order shall not be enforced and the complainant should be advised to contact the court that issued the order, or the attorney who drafted the order.
 2. Arrest the suspect if probable cause exists that a separate crime has been committed.

320.4.3 VALID FOREIGN (OUT OF STATE) ORDERS FOR PROTECTION WILL BE ENFORCED

Officers of the Spokane Police Department will enforce valid Foreign Orders for Protection as if these orders were issued in Washington State. Prior to taking enforcement action, officers must verify that the Foreign Order for Protection is valid and that the respondent has been served. There is a presumption in favor of validity where a foreign order appears authentic on its face. This does not stop an officer from taking action to investigate domestic violence incidents (e.g., stalking, harassment) which may be taking place in Washington State.

- (a) Disputes regarding provisions in out-of-state protection orders dealing with custody of children, residential placement of children or visitation with children will be resolved judicially. Officers will not remove a child from his/her current placement unless:
1. A writ of habeas corpus to produce the child has been issued by a superior court of Washington State; or
 2. There is probable cause to believe that the child is at risk of being abused or neglected and the child would be injured or could not be taken into custody if it were necessary to first obtain a court order.

320.5 EVIDENCE

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

320.5.1 PHOTOGRAPHS OF INJURIES

The investigating officer should have photographs taken of the victim's injuries. The victim should be referred to the Spokane Regional Domestic Violence Team for additional information. If there is a need for any follow-up photographs, the victim should call 911 and request a corporal respond to take photographs. However, for follow-up photographs of injuries that are in intimate areas, the victim shall be referred to the Spokane County Sheriff's Office Forensic Unit.

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Officers should request that the victim complete and sign an authorization for release of medical records.

320.5.2 OTHER EVIDENCE

All injuries, whether observable or not, should be documented in the incident report. The emotional demeanor of the victim and suspect should be noted.

Officers should impound all appropriate physical evidence that substantiates the victim's injuries and/or the crimes charged (e.g., weapons, torn clothing, and broken items).

In cases of serious assaults, officers should attempt to preserve the 9-1-1 tape of the call for assistance, particularly when the victim is the calling party.

Victims with injuries which may require medical attention at present or in the future, will be asked by the investigating officer to sign the Authorization for Release of Information form regarding medical records.

320.6 VICTIM ASSISTANCE

During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not.
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists.
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property.

320.6.1 WRITTEN NOTICE TO VICTIMS

In all cases when an officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement (RCW 10.99.030(7)):

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or County Prosecutor to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court. Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are (include local information)"

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320.7 REPORTING OF DOMESTIC VIOLENCE

A written report must be completed on all incidents of domestic violence including when:

- (a) The suspect is at the scene and mandatory arrest is warranted.
- (b) The suspect is at the scene and mandatory arrest is not warranted.
- (c) The suspect has fled the scene and mandatory arrest is warranted.
- (d) The suspect has fled the scene and mandatory arrest is not warranted.

All such reports should be documented under the appropriate crime classification and, in the Type of Crime box of the crime report form, the distinction "Domestic Violence" should be made (RCW 10.99.030(10)).

If the responding officer determines that the call is not domestic violence in nature (e.g., landlord/tenant dispute) he/she will notify the Combined Communications Center to change the call's type code in CAD (Computer Aided Dispatch System).

Victims will be asked to provide a written statement on the victim/witness statement form to include signing it. He/she will be asked to sign the Authorization For Release of Information form regarding medical records.

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 pamphlet provided to the victim. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

320.7.1 RECORD-KEEPING RESPONSIBILITIES

All law enforcement agencies are required to maintain records on the number of domestic violence related calls reported to their agency. This information is to be reported to the Washington Association of Sheriff's and Police Chief's. It shall be the responsibility of the Records Manager to maintain and report this information as required (RCW 10.99.030).

320.8 DISPATCHER'S RESPONSIBILITIES

This department considers calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any protection order and restraining orders to be of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

Search & Seizure

322.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer's familiarity with clearly established case law.

322.2 REASONABLE EXPECTATION OF PRIVACY

Both the United States and the Washington Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant
- An arrest warrant
- Exigent circumstances
- Valid consent
- Incident to arrest

Always be mindful of the specific terms of the warrant or consent. Also, probable cause alone is never justification to search a person, place or vehicle.

322.2.1 SEARCH PROTOCOL

- (a) Members of this department will conduct person searches with dignity and courtesy.
- (b) Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, an officer of the like sex should, if practical, conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to use an officer of the like sex. In these instances the officers will adhere to the following guidelines:
 1. A supervisor and/or one other officer should witness the search, if practical.
 2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- (f) The officer should explain to the person being searched the reason for the search and how the officer will conduct the search.

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322.3 SPECIFIC SITUATIONS

322.3.1 RESIDENCE

Absent a valid search warrant, arrest warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers and solicitors) would reasonably be permitted to go.

322.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no search has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location.
- (b) There is probable cause to believe that the item is linked to criminal activity.
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

322.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

322.4 CONSENT

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent however is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal)
- Obtained from a person with authority to give the consent
- Does not exceed the scope of the consent given

Prior to conducting a consensual search officers shall inform all persons giving consent of the following, and shall describe such circumstances in the related report(s):

- (a) The person may refuse to give consent if they so choose.
- (b) Once given, consent may be withdrawn at any point during the search.

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- (c) The scope of the search may be limited.
- (d) Any evidence found during the search may be used against them or others in court.

Unless unusual circumstances would prevent the use of the department's Consent to Search form, officers should have the individual read the form, ensure he/she understands it, and he/she has signed it.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

An officer may conduct a search of a person under arrest and areas within that person's control, incident to a lawful custodial arrest (see policy 902).

NOTE: See Policy Manual § 902 for strip searches and other in-custody searches and see Policy Manual § 510 for vehicle/impound/search.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

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

324.2 JUVENILE OFFENDERS

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

- (a) Pursuant to a court order.
- (b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

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

Officers should assess the juvenile's cognitive ability to understand and make an appropriate decision as to the waiving of his/her constitutional rights.

324.3 DETENTION

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

- (a) Once the detention begins and the juvenile is going to be held or interviewed at any other location besides juvenile detention, the officer should document the custody of the juvenile in the incident report.
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition.
- (c) Submit a completed report to the Shift/Unit Commander for approval.

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

324.3.1 DETENTION REQUIREMENTS

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

- (a) Access to toilets and washing facilities.
- (b) Access to drinking water.

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- (c) Food, if the 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. A supervisor will ensure the juvenile's needs are met.
- (d) As soon as practicable after being taken to a place of temporary confinement, and except where physically impossible, advise and provide the juvenile an opportunity to make a reasonable number of phone calls to a parent, guardian, responsible relative, employer, or attorney. A reasonable number of phone calls is generally three.
- (e) Privacy during visits with family, guardian, or lawyer.
- (f) Blankets and clothing necessary to assure the comfort of the juvenile shall be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

324.4 JUVENILE DETENTION AND BOOKING

324.4.1 JUVENILE TEMPORARY DETENTION AND INTERVIEW ROOMS

Whenever any juvenile is detained in an interview room at the Spokane Police Department the handling officer or detective shall comply with the following:

- (a) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
 - 1. Juvenile is taken into custody on the basis of having committed a criminal law violation.
 - 2. Detention shall not exceed a total of six (6) hours.
 - 3. Detention is for the purpose of giving the officer time to investigate the case, facilitate release to parents, or arrange transfer to juvenile detention.
 - 4. The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others.
- (b) While in secure detention, minors (persons under 18) may be locked in a room or other secure enclosure, secured to a cuffing rail (BAC room), or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm.

According to the Washington State Office of Juvenile Justice, Juveniles may be escorted into a secure location for the purpose of fingerprinting, photographing or using the breathalyzer, as long as the officer remains and escorts them out immediately after those tasks are completed. They are not considered to be in a secure detention status in this circumstance. Juveniles ARE considered in secure detention, however, if cuffed to the cuffing bar in the BAC room.

Per Washington State OJJ, logs must be maintained for the lockable interview rooms, and when juveniles are in secure detention by use of the cuff bar in the BAC room. At a minimum, the logs must include name of offender, DOB/age of offender, charge/offense(s), date and time in/out, and arresting officer.

324.4.2 FORMAL BOOKING

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

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Any juvenile, 14-years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from a supervisor, giving due consideration to one or more of the following:

- (a) The gravity of the offense.
- (b) The past record of the offender.
- (c) The age of the offender.
- (d) Will likely fail to appear for further processing.
- (e) The juvenile has committed a crime while another case is pending.
- (f) The juvenile is a fugitive from justice.
- (g) The juvenile parole has been suspended or modified.

324.4.3 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
 - 1. Parent or legal guardian
 - 2. The parent or legal guardian may verbally direct an officer to release a juvenile
 - 3. An adult member of his/her immediate family
 - 4. An adult person specified by the parent/guardian
 - 5. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by a supervisor
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile Detention Center to accept custody.
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
 - 1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 - 2. If the arresting officer or a supervisor believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as referral to court. The detective will contact the parents and advise them of the course of action.
 - 3. The arresting officer shall complete all required reports.
 - 4. The juvenile may be transferred to the Juvenile Detention Center with authorization of the appropriate supervisor or the Shift Commander.
- (d) If a juvenile is to be transported to the Juvenile Detention Center, the following forms shall accompany the juvenile:
 - 1. Forms/reports as required by the Juvenile Detention Center
 - 2. Any personal property excluding evidence or contraband, taken from the juvenile at the time of detention

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324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

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

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or interview of a juvenile student on campus, the officer should:
 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps prior to the interview to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school office/administrative office or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
 2. Due to the unique relationship of special police commissioned school district security staff with students and parents, notification practices may be more or less restrictive depending upon the circumstances.
 3. If efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent.
 4. If contacted, the selected parent, other responsible adult, or school official may be permitted to be present during any interview.
 - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
 - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
 - (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.
 1. To ensure that each case is investigated thoroughly while minimizing the trauma to child victims and to facilitate collaborative and thorough investigations of child sexual abuse cases, the Spokane County Child Sexual Abuse Investigation Protocol should be adhered to (RCW 26.44.180).
 5. Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a

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parent or guardian. In all such cases, officers should adhere to guidelines and requirements set forth in § 330 Child Abuse Reporting.

324.6 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

This department will act in accordance with a Superior Court order.

324.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

It shall be the responsibility of the Records Manager and the appropriate detective supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

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

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the parent, guardian, or person standing in loco parentis, of the juvenile shall be notified as soon as possible.

324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify a supervisor if he/she believes the juvenile may be a suicide risk. The officer will then arrange to contact a mental health professional for evaluation, or to contact the Juvenile Detention Center and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.7.3 USE OF RESTRAINT DEVICES

For the use of restraint devices, see Policy Manual § 306 and § 354.

324.7.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

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324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

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

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

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

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

Abuse of Vulnerable Adults

326.1 PURPOSE AND SCOPE

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

326.2 DEFINITIONS

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

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

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

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

Department - Means the department of social and health services (DSHS), Adult Protective Services (APS).

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

Financial Exploitation - Means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

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

Neglect - Means a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

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

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

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

Vulnerable Adult- Includes a person: sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or found incapacitated under RCW Chapter 11.88; or who has a developmental disability as defined under RCW 71A.10.020; or admitted to any facility; or receiving services from home health, hospice, or home care agencies licensed or required to be licensed under RCW Chapter 70.127; or receiving services from an individual provider under contract with the Department of Social and Health Services; or receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his/her own care in his/her home under Chapter 336, Laws of 1999 (RCW 74.34.021).

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to RCW 74.34.020(8) any officer of the Spokane Police Department is considered a mandated reporter. When there is reasonable cause to believe that abandonment, abuse, sexual or physical assault, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the Department of Social and Health Services, Adult Protective Services (APS) regardless of jurisdiction (RCW 74.34.035).

326.3.1 RECORDS DIVISION RESPONSIBILITY

The Records Division is responsible for providing a copy of the vulnerable adult abuse report to the Department of Social and Health Services/APS. This requirement is applicable even if the initial call was received from Department of Social and Health Services.

326.4 OFFICER RESPONSE

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

326.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers

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should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

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

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately whenever possible. Frequently it is wrongfully assumed that vulnerable adults are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser/suspect is a family member or caretaker) may leave the vulnerable adult victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk, domestic violence laws and the competent victim's desires. The present and future safety of the victim is of utmost importance and institutionalization is generally preferable to continued victimization.

326.4.3 SUPPORT PERSONNEL

The following person(s) should be considered for notification and response if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- DSHS/APS personnel

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should make an attempt to facilitate a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; 74.34.150; 74.34.210; or other applicable statutes.

Adult Protective Services is responsible for obtaining the protective order.

326.5 ELDER ABUSE REPORTING

Every allegation of vulnerable adult abuse shall be documented. Reporting of cases of vulnerable adult abuse is confidential and will only be released as per Policy Manual § 810. The following information should be provided in addition to the general information provided on the crime report (RCW 74.34.035(7) and 74.34.040):

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

326.6 CONFIDENTIALITY OF REPORTING PARTY

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

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

To prevent department members from being subjected to discrimination or sexual harassment and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, and by the Washington State Governors' Executive Orders, and the City of Spokane Policy.

328.2 POLICY

The Spokane Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The department will take preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

328.3 DEFINITIONS

328.3.1 DISCRIMINATION

Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated above.

328.3.2 SEXUAL HARASSMENT

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 an employee's employment.
- (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.
- (c) Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and harassment does not include actions that are in accordance with established rules, principles or standards including the following:

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

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

328.4 RESPONSIBILITIES

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

All employees shall promptly report any observed or known violations of this policy to a supervisor. Employee(s) not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to a higher ranking officer. Complaints may also be filed with the City's Human Resources Director.

Supervisors and managers receiving information regarding violation(s) of this order shall determine if there is any basis for the allegation and shall proceed with resolution as stated in Policy Manual § 328.5.1.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Ensure that the work environment is free from all types of unlawful discrimination, including sexual harassment.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination.
- (c) Train their subordinates as to what constitutes discrimination and harassment.
- (d) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations of discrimination/harassment normally no later than the next business day.

Individual employees may be held personally liable for discriminatory acts, including sexual harassment.

328.4.2 SUPERVISOR'S ROLE

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

- (a) Behavior of supervisors and managers should represent the values of our department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination and sexual harassment have negative effects on the careers of innocent employees.
- (c) Supervisors and managers must act responsibly in the handling of such situations.
- (d) Supervisors and managers must make a determination on any allegations based upon all available facts.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employees should take reasonable steps to mitigate or eliminate any continuing hostile work environment.

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328.5.1 SUPERVISORY RESOLUTION

Whenever possible, employees who believe they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, supervisory or management assistance or counseling should be sought from a supervisor or manager one rank higher than the alleged offender.

328.5.2 FORMAL INVESTIGATION

Upon being notified of any complaint that cannot be satisfactorily resolved through the supervisory means cited above, the Chief of Police or his or her designee shall initiate a formal investigation.

The City Human Resources Department will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and cooperation of any employees involved. No influence will be used to suppress any complaint and (except as herein provided) no employee 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 and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses.

Optional Resolution - Employees who believe they have been discriminated against or harassed because of their protected status described in Policy Manual § 328.3.1 of this procedure are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or the Human Resources Director.

328.5.3 DISPOSITION OF COMPLAINTS

Only one of the following four dispositions will be used to classify the disposition of an allegation of harassment:

Sustained Complaints - If the complaint is substantiated, this policy and procedure prohibiting discrimination/harassment will be reviewed with the offender. Appropriate disciplinary action and/or training, will be taken pursuant to the department disciplinary procedures.

Not Sustained Complaints - If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint - If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints - If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Should it be determined that the reporting employee filed the complaint in good faith and/or through a mistake of fact, that employee shall be counseled/trained pursuant to Policy Manual § 328.4.1(c).

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Should it be determined that the reporting employee maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to the disciplinary process up to and including termination.

328.6 NOTIFICATION OF DISPOSITION

Complainant and/or victim and accused will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

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

- Approved by the Chief of Police.
- Maintained for a minimum of five years.

328.8 GRIEVANCE PROCEDURE

Disputes arising out of the interpretation and enforcement of this policy and procedure shall be resolved through the established Grievance Procedure.

328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Employees having questions are encouraged to contact a supervisor, manager, the Chief of Police, the Human Resources Director, or the City Administrator; or they may contact the Washington State Human Rights Commission toll free at (800) 233-3247.

Child Abuse and Neglect Reporting

330.1 PURPOSE AND SCOPE

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

330.2 DEFINITIONS

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

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

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

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

Law Enforcement Agency - Means the Spokane Police Department, the Prosecutor, the Washington State Patrol, or the office of the sheriff.

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

330.3 CHILD ABUSE/NEGLECT REPORTING

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

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

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

The report must contain the following information, if known (RCW 26.44.040):

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

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- (d) The nature and extent of the alleged neglect.
- (e) The nature and extent of the alleged sexual abuse.
- (f) Any evidence of previous injuries; including their nature and extent.
- (g) Any other information that may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

330.3.1 POLICE REPORTS

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

330.3.2 RELEASE OF REPORTS

Reports of child abuse/neglect or suspected child abuse/neglect shall be confidential and may only be disclosed pursuant to Policy Manual 810. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under RCW Chapter 74.15 (RCW 26.44.020(19)).

330.4 INVESTIGATION RESPONSIBILITY

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

- (a) Responsibility for the investigation, the collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation.
- (b) Investigating the deaths of children that could be attributed to abuse or molestation.
- (c) Investigating any instance of Sudden Unexplained Infant Death (SUID).
- (d) Investigating reports of unfit homes, child abandonment, child endangering or neglect.
- (e) Providing follow-up compliance calls on reports of suspected child abuse.
- (f) Providing appropriate training to patrol personnel.
- (g) Coordinating with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding child abuse cases.

330.4.1 INTERVIEWING CHILD VICTIMS UNDER 12 YEARS OF AGE

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

330.4.2 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

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

- (a) Exigent circumstances exist. For example:

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

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

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

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

330.5 PHYSICAL EXAMINATIONS

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

330.6 TEMPORARY CUSTODY OF JUVENILES

A child may be taken into protective custody without a warrant if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (RCW 26.44.050).

Whenever a child is taken into protective custody, the officer should take reasonable steps to deliver the child to another parent or legal guardian, after assessing that individual's custodial authority for the child in question. Whenever feasible, the officer should consult with the Department of Social and Health Services (DSHS) before releasing a child to a non-custodial parent or legal guardian. In no case should a child be released if it reasonably appears that the release would endanger the minor or result in abduction.

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

330.7 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed or responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the officer has the authority to arrest the person without a warrant (RCW 10.31.100 and 26.44.130).

330.8 COUNTY PROTOCOL

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

Missing Person Reporting

332.1 PURPOSE AND SCOPE

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

This department shall accept and file an official missing person report and enter biographical information into the state missing person computerized network without delay after notification of a missing child is received under RCW 13.32A.050(1)(a), (c) and (d). The name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations shall also be provided to the Washington State Patrol on appropriate forms. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate (RCW 36.28A.120).

332.1.1 DEFINITIONS

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

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

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

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

- The person is missing under unexplained, involuntary or suspicious circumstances.
- The person is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance (RCW 13.60.050).

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

332.2 REPORT ACCEPTANCE

All personnel should accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. Reports should be taken on missing persons regardless of jurisdiction.

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Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at-risk or a child under 16-years of age, the Investigation Bureau will begin an investigation after an initial search by patrol personnel.

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

332.2.1 INVESTIGATION DILIGENCE

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

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

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

332.2.2 TASK FORCE ON MISSING AND EXPLOITED CHILDREN

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

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

332.2.3 ENDANGERED AND RUNAWAY JUVENILES

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

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

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

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

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

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

332.2.4 CRIME INFORMATION CENTER

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

At the time a report is taken for a missing or runaway child, officers should inform parents of the service provided by WSP and direct them to the appropriate website (<http://www.wsp.wa.gov/crime/mpufaqs.htm>).

332.3 REPORT HANDLING

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

332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Spokane Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Division should promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 21 or there is evidence that the person may be at-risk, the reports should also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

332.3.2 NOTIFICATIONS

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

332.3.3 AT-RISK AND ENDANGERED REQUIREMENTS

If a missing person is under 18-years of age and at-risk or endangered, or under 12-years of age and missing for more than 14 days, the handling detective should, without delay

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submit to the dentist, physician/surgeon, or medical facility the signed request for dental or skeletal X-rays or both.

332.3.4 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when foul play is suspected, the handling officer or detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If after conferring with the coroner or medical examiner, the person is still determined to be missing the handling officers shall complete the following:

- (a) File a missing person's report with the Washington State Patrol missing and unidentified persons unit.
- (b) Initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible DNA samples shall be submitted to the appropriate lab, and dental records shall be submitted to the Washington State Patrol missing and unidentified persons unit (RCW 43.43.751 and 68.50.320).
- (d) In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After twelve months, contacts with the reporting party should be attempted yearly. All verifications should be reported to WSP via ACCESS.

332.4 MISSING PERSONS LOCATED

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

When a missing person is located, the detective (if the case has been assigned) must ensure that an administrative message is sent without delay to WACIC and NCIC, through ACCESS, noting that the person has been located. If no detective has yet been assigned Records Division personnel shall be responsible for making the notification.

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

332.5 REFERENCE CHART REPORTING GUIDELINES

	ENTRY INTO MPU/NCIC	BOLO BROADCAST	CORONER CHECK	SEND DENTAL X-RAYS to MPU	SEND PHOTO to MPU	SCHOOL NOTICE
CHILD "AT RISK"	Within two hours	Officer handling	Within 24 hours	Within 24 hours	Within 24 hours	Within 10 days, written notice and photo
CHILD NOT "AT RISK" (under 21)	Within two hours	N/A	After 14 days immediate check	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice and photo

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ADULT "AT RISK"	Within two hours	Officer handling	After 30 days immediate check	After 30 days	Not mandated	N/A
ADULT NOT "AT RISK"	Within two hours	N/A	After 30 days immediate check	After 30 days	Not mandated	N/A
ENDANGERED	Within two hours	Officer handling	Within 24 hours	As soon as practicable	Immediate	If applicable, within 10 days, written notice and photo

332.6 SCHOOL NOTIFICATION

The investigative staff should ensure that the school in which the missing child is enrolled is notified. The school may "flag" a missing child's record and should immediately notify law enforcement of an inquiry or request for the missing child's records.

AMBER/Missing Person Alerts

334.1 PURPOSE AND SCOPE

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement.

334.1.1 DEFINITIONS

Abduction - Is any child under the age of 18-years, who has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.

334.2 WASHINGTON STATEWIDE AMBER ALERT PLAN

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

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

334.3 AMBER ALERT CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under eighteen (18) years of age and is known to be abducted and is not a runaway or throwaway from home.
- (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 event qualifying under the criteria as an AMBER Alert unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information available to believe that an AMBER Alert activation will assist in the recovery of the child (must include as much of the following information as possible):
 1. Where the abduction took place.
 2. A specific physical description of the child (can include clothing worn; when last seen; height, weight, age, hair and eye color, hair length, any additional distinguishing physical characteristics).
 3. A physical description of the abductor (can include clothing worn when last seen; height, weight, age, hair and eye color, hair length, any additional distinguishing physical characteristics).
 4. Place last seen.
 5. Description of the vehicle (can include color, make, model, license number, approximate year, i.e., older, newer).

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- (e) The incident must be reported to and investigated by a law enforcement agency.

334.4 PROCEDURE

An employee receiving a child abduction report shall notify the Shift Commander or appropriate supervisor as soon as practical. The DSO, in consultation with the Patrol Shift Commander or supervisor will then determine if the incident meets the criteria for an AMBER Alert. Should the DSO determine the incident meets the criteria of the Washington Statewide AMBER Alert Plan, he/she will notify the Chief of Police and the department Public Information Officer. The Combined Communications Center supervisor will:

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

334.5 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Shift Commander or Supervisor shall:

- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Promptly notify the Chief of Police and the appropriate Bureau Commander of any AMBER Alert activation.
- (c) Ensure the preparation of an initial press release that includes all the information required in the Washington Statewide AMBER Alert Plan, and any other available information which might aid in locating the child, such as:
 1. Photograph.
 2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
 3. Name and phone number of the Public Information Officer or other authorized point of contact individual to handle media and law enforcement liaison regarding the alert.
 4. A telephone number and point of contact for the public to call in with leads/information.
- (d) Consider the following resources or contacts if direct action is dictated by the circumstances:
 1. National Center for Missing and Exploited Children (NCMEC) (800) 843-5678.
 - (a) Provides and monitors the Cyber Tip Link.
 - (b) Posts missing children alerts.
 - (c) Provides Educational materials for children, teachers, and the public.

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- (d) Provides statistical information.
- 2. Local allied law enforcement agency resources.
- 3. Federal Bureau of Investigation (FBI Local Office).
- 4. Washington State Department of Transportation (WSDOT).
 - (a) Utilizes the Roadway Reader Board System to provide information to the public on the AMBER Alert.
 - (b) Utilizes the Highway Advisory Radio System to provide information to the public on the AMBER Alert.
 - (c) Terminates the WSDOT alert systems when advised by WSP to cancel the AMBER Alert.
- 5. Washington State Emergency Management Division (EMD).
 - (a) Notifies statewide media through the state EAS network.
 - (b) Provides technical support to the local jurisdiction.
 - (c) Cancels EAS AMBER Alerts when advised by WSP and-or the originating law enforcement entity.
- 6. State Emergency Communications Committee (SECC).
 - (a) Governs use of EAS in State of Washington.
 - (b) Provides guidance for the Local Area Emergency Communications Committee (LAECC) in developing the local EAS Plan and AMBER Alert Plan Appendix.
- 7. National Oceanic Atmospheric Administration (NOAA).
 - (a) Maintains the Weather Radio System.
 - (b) Rebroadcasts the AMBER Alert over Weather Radio.
- (e) Appropriate computer entries shall be made without delay to include immediate entry into WACIC, NCIC, and RMS. (Refer to the Crime Check/911, Combined Communications Center and Records Division SOP's and Missing Person Reporting Policy § 332.1).

334.6 FOLLOW-UP NOTIFICATIONS

The Investigative Unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and distribute to the previously described locations, in coordination with the Public Information officer, follow-up press releases with updates regarding the search and investigation.

Upon locating the abducted child the Combined Communications Center supervisor will make notifications of alert cancellation to all those previously notified of the alert.

334.7 POST-INCIDENT REPORTING

Upon conclusion of an AMBER Alert incident, the Shift Commander or other designated supervisor shall complete an incident report, and submit via the chain of command, to the Chief of Police within seven days of the alert.

The Chief of Police shall be responsible for submitting the AMBER Alert Report to WASPC in a timely fashion. The Chief of Police or his/her designee shall be responsible for

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representing the department during the WASPC AMBER Alert Committee's review of the alert.

334.8 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 about a missing and endangered person, in which the circumstances do not qualify for an AMBER Alert, to law enforcement agencies, the media and the public.

The Spokane 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.

334.8.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
- (b) The person is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance.
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description; clothing worn; vehicle, if any; location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency.

334.8.2 PROCEDURE

An employee receiving a missing report that appears to meet the criteria of an Endangered Missing Person shall promptly notify the Shift Commander or appropriate supervisor. The Shift Commander or supervisor will then determine if the incident meets the criteria for an advisory. Should the Shift Commander or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory the Shift Commander or supervisor should:

- (a) Direct Records Division personnel to prepare the "Endangered Missing Person Advisory" administrative message through the A Central Computerized Enforcement Service System (ACCESS). "Endangered Missing Person Advisory" should be included in the title of the message.
- (b) Contact the WSP Missing Persons Unit (MPU) to verify that it received the advisory.
- (c) Direct Records Division personnel to enter the information into the WACIC and National Crime Information Center (NCIC) databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (d) Advise Combined Communications Center of the advisory and ensure that they are prepared to handle a high volume of telephone calls.
- (e) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (f) Direct the Records Division to enter the photograph with the missing person record into WACIC and NCIC, then send an e-mail to the WSP MPU at MPU@wsp.wa.gov.
- (g) Appoint a Public Information Officer to handle the press.

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1. The Public Information Officer should notify the media through appropriate channels of the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.

If the Endangered Missing Person is 21 years of age or younger, the National Center for Missing and Exploited Children should be notified as soon as practicable.

334.8.3 CANCELING THE ENDANGERED PERSON ADVISORY

The Records Division personnel should promptly cancel the Advisory after an Endangered Missing Person is located by sending an administrative message through ACCESS, noting that the person has been located.

The Public Information Officer should notify the media through appropriate channels that the Endangered Missing Person Advisory has been cancelled.

Hate Crimes

338.1 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.

338.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily Injury, Physical Injury, or Bodily Harm - Physical pain or injury, illness, or an impairment of physical condition.

Malice and Maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

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

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

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

338.3 CRIMINAL STATUTES

338.3.1 MALICIOUS HARASSMENT

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

- (a) Causes physical injury to the victim or another person.
- (b) Causes physical damage to or destruction of the property of the victim or another person.

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- (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.

338.3.2 PRIMA FACIE ACTS OF HATE

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

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

338.3.3 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

338.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.6 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.

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- (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) 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.
- (i) All cases will be forwarded to the Investigative Bureau for investigative follow-up and/or reporting to WASPC.

338.6.1 INVESTIGATION BUREAU RESPONSIBILITY

When a case is assigned or forwarded to the Investigation Bureau, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

338.7 TRAINING

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

Disciplinary Policy

340.1 PURPOSE AND SCOPE

This policy is intended to provide employees with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all sworn and civilian members of this department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.2.1 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.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

The following actions are misconduct:

- (a) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (b) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties to include all duty assignments whether extra-duty, overtime details, or regular duty assignments.

340.3.2 CONDUCT

The following actions are misconduct:

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- (a) Fighting, or threatening other employees in the workplace.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without notifying the Chief of Police of such action.
- (c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and privileged records.
- (d) Failure to notify the department within 24-hours of any change in residence address and home phone number.
- (e) Engaging in horseplay resulting in injury or property damage.
- (f) Unauthorized possession of, loss of, or damage to department property or endangering it through unreasonable carelessness.
- (g) Failure of any employee to promptly and fully report activities on the part of any other employee where such activities may result in criminal prosecution and when such activity may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position.
- (h) Failure of any employee to report activities that have resulted in official contact by any law enforcement agency, that resulted in a criminal charge that may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position, excluding off-duty traffic infractions.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without notifying the office of the Chief of Police.
- (k) Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.
- (l) Solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations.
- (n) Becoming surety or guarantor or going on bond of or furnishing bail for any person, except for immediate family members, arrested for a crime, without notifying the Chief of Police.

340.3.3 DISCRIMINATION

The following actions are misconduct:

- (a) To discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

It is misconduct to commit any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

340.3.5 PERFORMANCE

The following actions are misconduct:

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- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Concealing or attempting to conceal evidence of misconduct.
- (c) Unauthorized access and/or, intentional release of designated confidential information, personnel file materials, data, forms or reports.
- (d) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.
- (e) The wrongful or unlawful exercise of authority.
- (f) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.
- (g) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (h) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).
- (i) The unauthorized use of any badge, uniform, identification card or other department equipment or property.
- (j) Accepting fee or gift: Members shall not directly or indirectly accept from any person liable to arrest, or in custody, or after discharge, or from any friend or relative of such person, any gratuity, fee, loan, or gift whatsoever.
- (k) Members shall not accept any fee, gift, or reward from any person or organization which is given to benefit the member as an individual, rather than the entire Department, when the fee, gift, or reward is given to recognize an act or deed which the member performed in the course of his/her duties. "Fee, gift, or reward" shall not include plaques, awards, or symbols of recognition, which are of slight, incidental monetary value.
- (l) Accepting product or service: Members shall not accept any product or service from merchant at a rate not offered to general customers of the merchant.
 - 1. Two exceptions exist to the above policy:
 - (a) Events/functions of an appreciative nature approved in advance, in writing, by the Chief of Police (e.g., an annual breakfast hosted by a not-for-profit organization to show support for public safety).
 - (b) Awards of a monetary value distributed in conjunction with graduation from the Washington State Criminal Justice Training Commission's Basic Law Enforcement Training Academy.
- (m) Work related dishonesty, including attempted or actual theft of department property, or the property of others.
- (n) Unauthorized removal or possession of departmental property or the property of another employee.
- (o) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- (p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures. This is not intended to interfere with the officers reasonable use of discretion in the enforcement of the law.

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- (q) Misappropriation or misuse of public funds.
- (r) Exceeding lawful peace officer powers.
- (s) Unlawful gambling or unlawful betting on department premises or at any work site.
- (t) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the department.
- (u) 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.
- (v) Engaging in political activities during assigned working hours except as expressly authorized.
- (w) Violating any felony statute or any misdemeanor statute where such violation that may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position.
- (x) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (y) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.
- (z) While on duty or in an official capacity, recommend or suggest to any person the employment or hire of a specific person as an attorney or counsel, bail bondsman, towing service, or other services with a nexus to the department.
- (aa) Members shall not serve civil process, such as Summons and Complaint or a Summons and Petition, or other civil process on a voluntary basis or for pay. This policy does not include the lawful service of orders, notices or other official documents in the performance of their duties.
- (ab) Conduct unbecoming: No member of the department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

340.3.6 SAFETY

The following actions are misconduct:

- (a) Failure to observe written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated unsafe or improper driving in the course of employment.
- (d) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

The following actions are misconduct:

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- (a) Unauthorized access and/or, intentional release of designated confidential information, materials, data, forms or reports.

340.3.8 INCOMPETENCY

The following actions are misconduct:

- (a) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

340.3.9 SUPERVISION RESPONSIBILITY

The following actions are misconduct:

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to appropriately report known misconduct of an employee to his/her immediate supervisor or to document such misconduct as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020 and RCW 41.12.090.

340.5 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of the investigation. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

340.6 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

Department Computer Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software, and systems.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Spokane Police Department, which are provided for official use by departmental employees.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware". This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the department information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the department involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 DEPARTMENT PROPERTY

All information, data, documents and other entries initiated on any department computer, whether downloaded or transferred from another department computer, shall remain the exclusive property of the department and shall not be available for personal or non-departmental use without the expressed authorization of the employee's supervisor.

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342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of personal computer virus infection, employees are not permitted to install personal copies of any software onto any department computer. Employees needing to download any files to a department computer in conjunction with their assignment shall ensure that all files are properly scanned for viruses before they are downloaded to any department computer.

The use of unauthorized, illegally copied, or unlicensed software carries substantial criminal and civil penalties for both the department and the user. No employee shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the department while on department premises or on any department computer system.

342.6 INTERNET USE

Employees are allowed limited use of equipment and facilities to access the Internet for purposes other than those directly or indirectly related to the activities of the City. The following rules, while not all-inclusive, shall apply to unofficial use of Internet access: The use shall not cause additional cost to the City of Spokane. The equipment being utilized to access the Internet shall be that which is normally utilized by the employee, and there shall be no disruption/disturbance to another employee's work area. Time spent on the Internet shall not negatively impact the employee's ability to do his/her job. Use of the equipment to access the Internet shall not disrupt other City functions. Personal files must be saved only to removable media, not to the fixed system hard drive. Installation of Internet access circuits to City facilities without approval of the Management Information Services Department is prohibited. Conducting business enterprise transactions unrelated to a City enterprise, either profit or non-profit is prohibited. No use shall violate any other Spokane Police Department policy.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

342.8 CAD/RMS PASSWORDS

In order to assure the security of our information systems and meet the requirements of technical audits, the following criteria for passwords shall be followed:

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Department Computer Use

- CAD/RMS Passwords shall be a minimum of eight characters.
- CAD/RMS Passwords shall contain a mix of characters and numbers.
- User IDs and CAD/RMS Passwords shall be different.
- CAD/RMS Passwords shall change every 90 days.
- CAD/RMS Passwords shall not be reused in fewer than ten changes.
- CAD/RMS Passwords shall not be shared or disseminated except when directed by supervisory or court order.
- Users shall not leave CAD/RMS passwords under the keyboard, posted on the monitor, typed in unsecured documents, emailed, etc.
- Users shall log off of the software at the end of their shift or when someone else wants to use CAD/RMS.

342.9 COMPUTER AND COPIER HARD DRIVES

The Spokane Police Department handles sensitive law enforcement related data and information. This information is often stored on computers, copiers and other devices owned by the Police department.

Once a device, copier or computer is to be taken out of service by the department, the hard drive within that device must be destroyed in compliance with guidelines set forth by the following governing agencies, policies or laws. Federal mandates require compliance with stringent laws such as the Health Insurance Portability and Accountability Act (HIPPA), the Gramm-Leach-Bliley Act (GLB), Personal Information and Protection and Electronics Documents Act (PIPEDA), and the Sarbanes-Oxley Act (SOX) to protect medical, consumer, personal and financial records, respectively. Additionally, government agencies must comply with security-relevant policies, such as DISA's Security Technical Implementation Guide Requirements, NSTISSP #11 and DOD Directive 8500. FIPS Pub-199 will act as the policy regarding security categorization levels.

To meet these requirements, the internal hard drives will be removed and gathered by LEIS, recorded by serial number and delivered to the Office of Professional Standards. The Office of Professional Standards will complete an audit and conduct and witness departmental computer hard drive destruction and verify departmental compliance with the standards set forth. The Office of Professional Standards will retain the necessary records.

Electronic Reporting

343.1 PURPOSE AND SCOPE

The accurate and timely reporting of police reports and information is a primary function and duty of law enforcement. The appropriate use of technology in accomplishing that function requires standard usage and policy. While this policy is specific to the Xpediter product, the principles and practices should be extended to any electronic method of report documentation.

343.2 DEFINITIONS

Xpediter C/S: A "Client/Server" relational database computer program. This program allows you to collect, store, sort, and retrieve data for cases and then print the case information onto forms or reports.

Xpediter Server: The central computer that is connected to the network. This is where the main Xpediter C/S database is stored.

Network Client: Any computer that is connected to the Xpediter server computer. The desktop icon will be green, indicating the computer is currently a network client.

Mobile Client: A computer that is not directly connected to the Xpediter server computer. The desktop icon will be red. Computers in a vehicle, such as laptops and MDDs are mobile clients. Mobile clients need to synchronize their data daily because they do not have a direct connection to the Xpediter server. All reports created from a mobile client must be transferred to the Xpediter server before they can be approved.

Control Center: The heart of the Xpediter C/S program is the control center. All modules and features of this program will be accessed from it. This is the first screen that a user will see after logging on to Xpediter C/S.

Approval Module: The approval module allows supervisors to review, approve, and/or return reports submitted by officers.

Messaging Module: The Messaging module allows users to send and receive messages from other users in the Xpediter C/S system.

343.3 ELECTRONIC REPORTING

All officers serving in the Uniformed Bureau are expected to be proficient in the use of the Xpediter C/S report-writing program, and will be required to attend Xpediter C/S certification training. Upon completion of Xpediter C/S certification training, officers will use the Xpediter C/S report-writing program to write reports.

Officers should complete incident reports prior to returning to service. If an officer is unable to complete a report immediately, they can save it on a portable memory device or transfer it to the Xpediter server and complete it later (see § 344.6, delayed reporting writing). All incomplete reports must be transferred to the Xpediter server by the end of the shift. Delayed reporting necessitates supervisory approval.

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343.4 DISTRIBUTING REPORTS

The Records Division will continue to be the main source for the distribution of police reports. No copies of incomplete or pending reports will be used as a work product. If the Records Division, Investigations, or case screening needs a copy of one of these reports, a supervisor will be notified.

343.5 WRITING REPORTS

- (a) Supervisors and officers will be responsible for synchronizing mobile client computers from the Xpediter server. Laptop computers will be synchronized at the beginning of the shift. A mobile client at a cop shop will be synchronized prior to writing reports. Officers and supervisors will log in with their own personal user identification and password. Passwords must be changed quarterly. Utilizing another's password is prohibited. Officers will not leave the Xpediter C/S program running when it is not in use. This will insure that a report is not written using another person's account.
- (b) When an officer has completed a report from a mobile client, they will transfer that report to the Xpediter server for supervisor approval. Officers will use the "Monitor Button" to confirm that transfers are successful. The transferred report is then stored on the Xpediter server and can only be viewed and altered from a network client. Only the submitting officer can alter a report that has not been approved by a supervisor.
- (c) All reports written on mobile clients, whether finished or not, must be transferred to the Xpediter server by the end of the officer's shift. A copy of every report written will be transferred to the officer's portable memory device or to their personal folder on the 'H' drive. All reports will then be manually deleted from the mobile client computers.
- (d) Officers who are assigned laptops will properly shut down all computer applications and turn off the laptop at the end of their shift. Computers will then be placed in the laptop cabinets for storage. Officers will not take the laptops home without supervisory authorization nor will they leave the laptops in a patrol vehicle once they have secured.
- (e) Reports will be allowed to remain temporarily on a mobile client computer only when the report cannot be transferred to a portable memory device, the officer's personal 'H' drive folder, or to the Xpediter server. In these situations the officers will call the help desk at 625-4099 giving their name, location of the mobile client, and the problem that was encountered. If the report was written at a cop shop mobile client, the officer will be responsible to return to that mobile client to delete his/her report. This will take place within one workweek of writing the report and when the Xpediter server connection has been restored.
- (f) When multiple officers are writing reports for the same incident, only the primary officer will write the original face sheet. If an arrest was made, only the primary officer will list the charges in his report. All other officers will use the supplemental form located in the report module.
- (g) At the start of every shift, officers will be responsible to check the Control Center for returned and incomplete reports. This check must be completed from a network client computer.
- (h) At the start of every shift, supervisors will be responsible for checking the Control Center for returned and incomplete reports of officers from his/her team. This check must be completed from a network client computer.
- (i) At the end of every shift, officers will check the Control Center to insure all completed reports are either in "pending" or "approved" status. This check must be completed from a network client computer. All arrest reports must be approved prior to securing at the end of shift.

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343.6 APPROVAL PROCESS

- (a) Supervisors will review pending reports in the approval module from a network client computer. Supervisors should review reports periodically during their shift and approve or return all pending reports before the end of their shift.
- (b) If reports are correct and complete, the supervisors will route the report to the appropriate investigative unit for follow-up if appropriate and approve the report.
- (c) Supervisors will electronically return insufficient reports to the officer using the approval module. The supervisor will use our e-mail system to inform the officer of the additional information needed to complete the report. The approving supervisor will e-mail a copy of this message to the involved officer's supervisor.
- (d) All arrest reports must be approved by a supervisor prior to the end of the officers' shift.
- (e) If an arrest report is to be returned and the officer cannot be reached, the supervisor reviewing the report will create a supplemental report in Xpediter C/S explaining the reason the report is insufficient prior to approving the insufficient report. The reviewing supervisor will notify the officer's supervisor that the officer left prior to getting the arrest report approved.

343.7 CORRECTING APPROVED REPORTS

- (a) It is not the responsibility of the Records Division to determine the correct report number needed for a case. If a Records Specialist cannot determine information needed for processing a report, a commissioned supervisor should be contacted to resolve the situation.
 1. Critical reports requiring immediate attention, include but are not limited to homicides, arrests, hate crimes, missing persons, etc., will be referred to any available on-duty supervisor (patrol, investigations, etc.) for immediate corrections so that the report can be processed.
 2. The Records Specialist will then send a notification to the involved officer and the officer's supervisor so that the report can be returned and corrected in Xpediter.
 3. Supervisors receiving a correction notice from the Records Division will logon to a network client and return the report. Supervisors are responsible to ensure officers make the necessary corrections the first day they are available. If the officer will be unavailable for more than two weeks, supervisors will contact records for further instructions.
- (b) Non-critical reports needing correction will have a notification sent to the involved officer and the involved officer's supervisor per Records Policy. Supervisors receiving a correction notice from the Records Division will logon to a network client and return the report. Supervisors are responsible to ensure officers make the necessary corrections the first day they are available. If the officer will be unavailable for more than two weeks, supervisors will contact records for further instructions.
- (c) Do not return an approved report in Xpediter unless Records is asking for the correction. If additional information needs to be put in an approved report, a supplemental report should be written instead of re-submitting the initial report.

343.8 AUDIT PROCESS

The Records Division will conduct audits to determine the following:

- Ensure CAD incidents identified as reports were written and received by Records

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- Ensure supplemental reports are attached to the face sheet reports
- Ensure customers are receiving documents

Report Preparation

344.1 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.

344.1.1 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.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the CAD incident history for the call.
- (c) In every case where force is used against any person by police personnel per Policy Manual § 300.4.
- (d) All incidents involving domestic violence.
- (e) All arrests.

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Report Preparation

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a person is reported missing (regardless of jurisdiction).
- (b) Any found property or found evidence.
- (c) Any incidents involving the death of a human being (see Death Investigations Policy and the Officer Involved Fatal Incident Protocol).
- (d) Any traffic collisions above the minimum reporting level (see Collision Reporting Policy and the Officer Involved Fatal Incident Protocol).
- (e) All protective custody detentions.

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (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.

344.2.4 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, city equipment, or to the property of another by a city employee.

344.2.5 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, wherein death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Wherever possible, officers will type police reports. Officers should utilize department-approved programs and formats such as Xpediter or, when not feasible, Microsoft Word. If necessary, officers may handwrite reports when access to approved software is unavailable. In these instances, officers will use department-approved forms.

344.3.2 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.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the officer, stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division and entered into RMS shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been entered into RMS by the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of a supervisor.

344.6 DELAYED REPORT WRITING

This section formalizes the process for delaying the writing of certain miscellaneous reports. This will also allow the officer the opportunity to do follow-up investigation. Utilizing this procedure will reduce overtime costs, allow officers more time to complete their reports and make this process more compatible with the demands for service. In order to delay the writing of an incident report, officers shall:

- (a) Contact the supervisor, advise of the type of report and ask for permission to delay its completion.
- (b) Upon the next work shift, complete the report in full and file accordingly. The following reports shall not be delayed:
 1. Solvable felony crimes against persons
 2. Arrest reports
 3. Rapes
 4. Domestic violence
 5. Bias crimes
 6. Homicides
 7. Missing persons
 8. Stolen vehicles
 9. Stolen guns
 10. Runaways
 11. Abuse/neglect against children and vulnerable adults
 12. Reports involving all settles

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13. Other reports as deemed appropriate by a supervisor

Delayed reporting will not be authorized if an officer is beginning vacation, an extended absence, or his/her weekend. Overtime may be approved to give an officer time to write their report for any of the circumstances at the discretion of his/her supervisor.

News Media Relations

346.1 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.

346.2 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, Bureau Commanders, Shift Commanders, supervisors and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 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.
- (d) At no time shall an employee offer opinions about a defendant's or suspect's character, guilt or innocence.
- (e) Department representatives will not release admissions, confessions or contents of statement attributable to a defendant or suspect; or statements concerning the credibility or anticipated testimony of prospective witnesses; or any other information for the purpose of influencing the outcome of a criminal trial.

346.3 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; these credentials will be issued by Spokane County Security.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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News Media Relations

1. In situations where media access would appear to interfere with emergency operations and/or a criminal investigation, a reasonable effort should be made to provide media representatives with access to a designated media area.
- (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in SPD custody shall not be permitted.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer (PIO).

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The department will maintain a daily CAD log of significant law enforcement activities that shall be made available to media. **All records released by the SPD shall be in conformity with Records policy.** Information that may be released to the media:

- Name, age, sex, residence, marital status and occupation of recently arrested person (unless juvenile)
- Substance or text of charge or alleged offense
- Identity of investigation and arresting units or agencies and length of investigation
- Circumstances immediately surrounding arrest, including time and place of arrest, resistance, pursuit, possession of weapons, and description of items seized at time of arrest
- The photographing of an arrested person by the news media in public places should neither be prevented nor encouraged; however, when photos are taken, the person should not be posed.

346.4.1 RESTRICTED INFORMATION

Information that may **not** be released to the media:

- Specific intelligence information compiled by SPD members, the non-disclosure of which is essential to effective law enforcement or for protection of any person's right to privacy
- Information that may identify juveniles or their families, unless and until the juveniles have been formally charged with a criminal offense and declined by the juvenile court
- Information revealing the identity of victims, witnesses, or persons who file complaints and/or reports with the Spokane Police Department, if such disclosure might endanger any person's life, physical safety, or property
- Statements or other information for the purpose of influencing the outcome of a criminal trial
- Opinions about a defendant's or suspect's character, guilt, or innocence
- Admissions, confessions, or contents of a statement or alibi attributable to a defendant or suspect
- Amount of money taken in a robbery; type and caliber of suspect's weapon; any reference to fingerprints or security video cameras unless requested by the lead

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investigator that this information be released; the name of the hospital where injured are taken

- References to the results of an investigative procedure, such as fingerprints, polygraph examinations, ballistic tests, or laboratory examinations
- Statements concerning the credibility or anticipated testimony of prospective witnesses
- Opinions concerning evidence or arguments of a case, whether or not it is anticipated that such evidence or argument will be presented at trial
- Home address or home telephone number of department employees, or other personal information, without their express written consent
- Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

346.4.2 RELEASE OF INFORMATION REGARDING INTERNAL AFFAIRS

Only the Chief of Police or authorized representative may release information concerning Internal Affairs investigations or actions.

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

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.

Subpoena Duces Tecum - Requires the recipient to produce and bring to a designated location, certain records or items.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by reading it to the witness, or by delivering to him/her a copy at his/her residence. (RCW 12.16.020, WA CR 45) . Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him/her a copy thereof, or by leaving such copy at the place of his/her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department front desk staff shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena that has not been routed through the front desk shall immediately provide the subpoena to the front desk staff.
- (b) When an official notice or subpoena is received at the front desk, the desk staff shall:
 1. Initial and date/time-stamp the official notice or subpoena.
 2. Deliver the official notice or subpoena to the employee's mail box.

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3. Time sensitive official notices or subpoenas may be hand delivered by the prosecutor after their copy is signed, time/date-stamped and recorded at the front desk.
 4. Maintain a chronological log documenting date and time of receipt, and date and time of delivery to the supervisor's mail box.
- (c) The supervisor shall serve the employee with the official notice or subpoena at the earliest opportunity. If the employee is unavailable due to vacation, illness, etc., the supervisor shall note on the document the circumstances for non-delivery and return the document to the front desk staff. The front desk staff shall notify the prosecutor of the circumstances.

348.2.4 COORDINATION OF SUBPOENAS

- (a) Upon receiving a subpoena, it will be the officer's responsibility to contact the prosecutor's office to inform them of the officer's availability. The courts have established a 24/7 phone number to advise officers if the case they were subpoenaed for will be going to court that day. This phone service shall be utilized.
- (b) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the prosecutor's office with a specified reason for refusal as well as the dates when the officer will become available. It shall be the responsibility of the employee who is subpoenaed to notify the assigned prosecutor or other attorney of record of their bona fide unavailability.

348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Spokane Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.6 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Collective Bargaining Agreement. In such situations where the employee is required to appear out of Spokane County, the department will arrange for reasonable and necessary travel.

The department may seek reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

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348.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or department is not a party.

348.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Collective Bargaining Agreement.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court and meet with the prosecutor as requested.

348.5.2 COURTROOM ATTIRE

Members required to testify in court actions shall appear in professional business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

Officers, when testifying in Spokane County District Court, may wear the uniform of the day.

On-duty officers may wear the traditional long-sleeve uniform shirt with tie in Superior Court.

348.6 COURTHOUSE DECORUM

Employees shall maintain a professional demeanor and observe all rules of the court in which they are appearing, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the United States of America, State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, and appropriate government attorney as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against the United States and any county, any city, or their officers and employees.

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- (c) Providing testimony or information on behalf of or at the request of any party other than the United States or any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

348.7.1 EXPERT WITNESS

Employees are not to testify as an expert witness or request or accept any fees for appearing in court without authorization from the Chief of Police.

Reserve Officers

350.1 PURPOSE AND SCOPE

The Spokane Police Department Reserve program was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who support, but not supplant regular staffing levels.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Spokane Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment (RCW 43.101.095). The following exceptions apply:

- No college credits are necessary.
- Citizenship is not required with an alien firearms license.
- There is not a civil service exam.

Upon appointment to the Police Reserve Unit, an applicant must complete, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. A detailed list of issued equipment will be maintained by the Volunteer Services Unit. All property issued to the reserve officer shall be returned to the department upon termination or resignation.

350.2.4 MEDICAL COVERAGE

As per RCW 51.12.035, in most cases a volunteer injured in the course of employment is entitled only to medical aid benefits.

All reserve officers are covered under the self-insured policy of the City of Spokane for all medical aspects of an injury that occurs while working doing official Police business (see the City of Spokane medical policy for detailed information).

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Official police business will include any type of activity a person is performing in their role as a reserve police officer.

The City of Spokane will not, however, pay for any wages, earnings, or any other reimbursement for time lost from any occupation or schooling that occurs due to an injury that has occurred while working as a reserve police officer.

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. The goal of the reserve officer program is to provide departmental support. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the department as needed. Reserve officers are required to work a minimum of 26 hours per month.

- Level I reserve officer objectives
 - To utilize the Patrol Division for the ongoing training of reserve officers. The Level I reserve officer, shall be under the supervision of a patrol officer.
- Level II reserve officer objectives
 - The Level II reserve officer may be assigned as an independent primary unit on priority three or lower calls for service. Level II reserve officer's may be assigned function as a back-up unit for priority two or higher calls.

350.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Volunteer Services sergeant or his/her designee.

350.3.3 VOLUNTEER SERVICES SERGEANT

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Volunteer Services sergeant.

The Volunteer Services sergeant shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve officer performance.
- (f) Monitoring the overall Reserve Program.
- (g) Maintaining liaison with other agencies.

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350.4 FIELD TRAINING

350.4.1 RESERVE MENTORS

Officers of this department, who demonstrate a desire and ability to train reserve officers during their probationary phase, are subject to Shift Commander approval.

350.4.2 PRIMARY RESERVE MENTORS

Upon completion of the Academy, reserve officers will be assigned to a series of reserve mentors on each shift. The reserve mentors will be assigned by the Volunteer Services sergeant. The reserve officer will be assigned to work with his/her reserve mentors for the duration of their probationary phase. This time shall be known as the probationary training phase.

350.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her probationary training phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Spokane Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

350.4.4 COMPLETION OF THE PROBATIONARY TRAINING PHASE

At the completion of the probationary training phase, the Volunteer Services sergeant will review the Field Training Manual to ensure its completion.

If the reserve officer has progressed satisfactorily, he/she will then proceed to the status of Level I. If he/she has not progressed satisfactorily, the Volunteer Services sergeant will determine the appropriate action to be taken.

350.4.5 LEVEL I TRAINING PHASE

The Level I training phase shall consist of a continuation of training within the Patrol Division. The reserve officer will no longer be required to ride with his/her reserve mentor. The reserve officer may now ride with any officer designated by the Shift Commander.

During the Level I training phase, the reserve officer's performance will be closely monitored by the Volunteer Services sergeant and patrol supervisors.

350.4.6 COMPLETION OF THE FORMAL LEVEL I TRAINING PROCESS

When a reserve officer has satisfactorily completed all phases of formal training, he/she will have had a minimum of 18 months of on-duty training. The reserve officer may now be assigned to ride with any officer.

350.4.7 LEVEL II TRAINING PHASE

The Level II training phase shall not be a requirement for any reserve officer. However, any reserve officer who wants to progress into a Level II status must complete the following training:

The Level II training phase shall consist of the reserve officer progressing through three separate department Field Training officers (FTO) for five continuous shifts each. At the completion of each five shifts, the department FTO will complete a weekly evaluation as

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per the guidelines set forth in the FTO program. Upon the satisfactory completion of this training phase, the reserve officer will be moved to the Level II training phase.

350.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers shall be under the immediate supervision of a regular sworn officer. The immediate supervision requirement shall continue for reserve officers unless special authorization is received from the Volunteer Services sergeant with the approval of the Bureau Commander.

350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Level II reserve officers will be authorized to function without immediate officer supervision. Reserve officers may, with prior authorization of the Volunteer Services sergeant and on approval of the Bureau Commander, be relieved of the immediate supervision requirement. In the absence of the Bureau Commander, the Shift Commander may assign a certified reserve officer to function without immediate supervision for specific purposes and duration.

350.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted in cooperation with the Volunteer Services sergeant and inter-department instructors. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Volunteer Services sergeant. Probationary reserve officers cannot have more than two excused absences from the scheduled monthly reserve training during their probationary period.

350.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

350.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation will be investigated at the direction of the Chief's office.

Reserve officers are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

350.5.6 RESERVE OFFICER EVALUATIONS

While in training, reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be

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evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

350.6 FIREARMS REQUIREMENTS

350.6.1 CARRYING WEAPON ON DUTY

It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

350.6.2 CONCEALED PISTOL PROHIBITED

No reserve officer will be permitted to carry a concealed pistol while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid Concealed Pistol License. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a pistol more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental policy § 312.

350.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve officers are required to qualify at least one time per year, normally done as part of their monthly training.
- (b) Reserve officers may fire at the department approved range at any time with the approval of the department Rangemaster.
- (c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Volunteer Services sergeant shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Combined Communications Center supervisor. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor as soon as practical (i.e., an emergency request may be responded to immediately and notification made after the fact). Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a CAD number will be generated.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If pre-planned assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions.

352.1.3 WASHINGTON MUTUAL AID PEACE OFFICERS POWERS ACT

Officers of the Spokane Police Department will comply with RCW 10.93, Washington Mutual Aid Peace Officers Powers Act.

Refer to Policy Manual § 426 for reporting police activity outside jurisdiction.

Handcuff Policy

354.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

354.2 HANDCUFFING POLICY

When practical, all prisoners should be handcuffed with their hands behind the back. All handcuffs shall be double-locked at the time of application or as soon after as practical. Handcuffs should be removed as soon as the arrested person is safely confined within the jail by jail staff.

354.2.1 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety.

354.2.2 JUVENILES

It must be recognized that officer/suspect safety is the primary concern when making the decision not to apply handcuffs.

354.2.3 HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Handcuffs should be removed as soon as it is determined that the detained person will not be arrested or transported to a mental health facility. Unless it is determined that a detainee is to be arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of officers and others.

Community Protection Act

356.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders as required under the Community Protection Act. It is the policy of this department to facilitate public access to information allowed by legislation on registered sex offenders.

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION

Whenever this department determines that it is necessary to provide information to the public regarding sex offenders or kidnapping offenders in order to protect the public and counteract the danger created by the particular offender, such information may only be released in compliance with the law (RCW 4.24.550).

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders.

356.2.1 RISK NOTIFICATION LEVELS

The Washington State Sex Offender Risk Level Classification Tool is used to assess a sex offender's risk to the community. The Risk Level Classification Tool places sex offenders into one of three notification levels as listed:

Level I Offenders - Present a low risk to the community and their likelihood to re-offend is considered minimal.

Level II Offenders - Present a moderate risk to the community and they have a higher likelihood of re-offending than Level I offenders. They are considered a higher risk to re-offend because of the nature of their previous crime(s) lifestyle, and participation in approved treatment programs.

Level III Offenders - Pose the highest risk potential to re-offend. Most have prior sex crime convictions as well as other criminal convictions. Their lifestyles and choices place them in this classification. Some may have refused or failed to complete approved treatment.

356.2.2 DISSEMINATION GUIDELINES

Dissemination should be predicated upon the Levels outlined in this policy (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Department shall share information with other appropriate law enforcement agencies, and if the offender is a student, the public or private school the offender is attending or planning to attend. The department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or

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vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside or is regularly found.

- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for offenders registered as homeless or transient.

356.3 RELEASE OF INFORMATION VIA THE INTERNET

Level III disseminations may be publicly disclosed by way of the department Internet. Dissemination of level I or level II is not permitted via the Internet (RCW 4.24.550(4)).

356.4 SCHOOL NOTIFICATION

When a registered offender attends or is employed by a school the Sheriff is required to notify the school's principal or institution's department of public safety and shall provide the appropriate department with the following information (RCW 9A.44.130):

- Name.
- Complete residential address.
- Date and place of birth.
- Place of employment.
- Crime for which convicted.
- Date and place of conviction.
- Aliases used.
- Social security number.
- Photograph.
- Fingerprints.

Major Incident - DSO Notification

358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this department. It is critical that command staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

358.2 MINIMUM CRITERIA FOR NOTIFICATION OF DUTY STAFF OFFICER (DSO)

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- All Major Crimes call-outs.
- Traffic accidents with fatalities.
- Officer-involved shooting - on or off-duty, to include unintentional discharge of a firearm (See Policy Manual § 310.5.3 for special notifications).
- Significant injury or death to employee - on or off-duty.
- Death of a prominent Spokane official.
- Arrest or criminal investigation of a department employee, a city employee or prominent Spokane official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Barricade situations, whether hostages are involved or not.
- Call-outs of the SWAT Team, Tactical Team, or SPD Bomb Squad members.
- Mutual Aid requests from another jurisdiction.
- Threats or actual attempts to cause significant damage to a public facility or utility.
- Kidnapping, other than custodial interference.
- Illegal demonstrations, riots, or other public melee.
- Missing children and vulnerable adults.
- Direct and indirect threats by students or individuals against schools, government facilities and businesses.
- Unusual occurrences that should be brought to the attention of a higher authority in a timely manner.

The DSO shall respond or will ensure appropriate command response has been initiated to the types of incidents listed above.

358.3 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander is responsible for making the appropriate notifications. The Shift Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Commander shall attempt to make the notifications as soon as practical.

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Major Incident - DSO Notification

358.3.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Duty Staff Officer (DSO) shall be notified. The DSO will determine the need for further notifications to the Assistant Chief and/or Chief of Police, as well as the need to call out additional personnel and resources.

Duty Staff Officers will be Command Staff members of the rank of captain and major.

358.3.2 PUBLIC INFORMATION OFFICER (PIO)

The DSO will ensure that the Public Information Officer is called if it appears the media may have a significant interest in the incident.

Death Investigation

360.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations. The on-call police chaplain shall also be notified.

360.2.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a medical examiner's autopsy or postmortem or medical examiner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a virulent 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 shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner.

The Medical Examiner shall be notified of any death to which the Spokane Police Department responds. If investigators are on scene, they will notify the Medical Examiner,

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Death Investigation

otherwise, uniform officers conducting the investigation will make the notification to the Medical Examiner.

360.2.2 DEATH NOTIFICATION

The Chaplains Program may assist the medical examiners office in making notification to next of kin or when requested by law enforcement.

360.2.3 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

(a) Safeguarding property at the scene of the death

1. Whenever personal property of significant value is discovered at a death scene, the Medical Examiner shall be advised.
2. The documentation and collection of personal property at the death scene is a primary responsibility of the Medical Examiner.
3. Items of personal property determined to be evidence by the on-scene investigating officer will be handled in accordance with evidence policy and procedures.
4. The search for and inventory of personal property at a death scene will take place only when witnesses are available.
5. Personal property and/or realty may be left under the control of the next-of-kin. If a next-of-kin is not available, reasonable security precautions should be taken to safeguard the property.
6. The officer shall include in the incident report the action taken regarding personal property.

360.2.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Major Crimes Unit shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

(a) Notification of the Prosecutor

1. If death occurs due to criminal actions or suspicious circumstances, the Prosecutor shall be notified by the supervisor of the investigating unit.

Identity Theft

362.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees with protocols for accepting, recording, and investigating the crime of identity theft. Identity theft is one of the fastest growing and most serious economic crimes in the United States for financial institutions, businesses, organizations and persons whose identifying information has been illegally used. It can also be a tool that terrorists and those who are attempting to evade the law can use to their advantage. Therefore, the Spokane Police Department shall take those measures necessary to record criminal complaints, assist victims in contacting other relevant investigative and consumer protection agencies, and work with other federal, state and local law enforcement and reporting agencies to identify perpetrators.

362.2 DEFINITIONS

Identity Theft: No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, with the intent to commit, or to aid or abet, any crime.

Person: To include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association.

Financial information: Any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit: Account numbers and balances; transactional information concerning an account; and codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identocard numbers issued by the Department of Licensing, and other information held for the purpose of account access or transaction initiation.

Means of Identification: Information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone number, an electronic address, or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver's license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.

362.3 JURISDICTION

Identity theft is punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law and state law" (18U.S.C. 1028(a)(7)).

Identity theft is punishable under Washington State law RCW 9.35.020.

The crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

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Identity Theft

362.4 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
1. Fully record information concerning criminal acts that may have been committed illegally using another's personal identity as covered by state and federal law.
 2. If the victim has filed a report with the Federal Trade Commission, a copy of that report may be attached to the police report, documenting the details of the identity theft.
 3. Obtain or verify as appropriate, identifying information of the victim, which may include date of birth, social security number, driver's license number, other photo identification, current and most recent prior addresses, telephone numbers, fingerprint and photograph.
 4. Document the nature of the fraud or other crimes committed in the victim's name.
 5. Determine which types of personal identifying information may have been used to commit these crimes (i.e., social security number, driver's license number, birth certificate, financial account information, etc.) and whether any of these have been lost, stolen or potentially misappropriated.
 6. Document any information concerning whether the crime took place, the financial institutions or related companies involved and the residence or whereabouts of the victim at the time of these events.
 7. Determine whether the victim has knowledge or belief that a specific person or persons have used the victim identity to commit fraud or other crimes.
 8. Determine whether the victim is willing to assist in the prosecution of suspects identified in the crime.
 9. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the complainant with a report number.
 10. Determine whether or not the victim was a relatively recent victim of a precipitating crime, i.e. vehicle prowling, vehicle theft, mail theft, burglary, etc. If so, cross reference the identity theft report with the original data acquisition report.
 11. If not otherwise provided, document/describe the crime, the documents or information used, and the manner in which the victim's identifying information was obtained.

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12. Forward the report through the chain of command to appropriate investigative officers and immediately to intelligence agencies and federal agencies, if it appears to have national security implications.

362.5 ASSISTING VICTIMS

Officers taking reports of identity theft should take those steps reasonably possible to help victims resolve their problem. This may include providing victims with the following suggestions where appropriate.

- (a) Provide the victim with a copy of the Spokane Police Department Identity Theft Victim Packet. If the packet is not available in the field, provide the victim with information to obtain the packet, i.e. download from the department website, contact the police front desk, etc. The information suggested below is listed in further detail in the ID Theft Victim packet.
- (b) Provide the victim with the report number and instructions on how to obtain a copy of the report.
- (c) Provide the identity theft victim with the opportunity and/or information if applicable to have their information entered into the WACIC Identity Theft Victim file, see below.
- (d) Advise the victim to cancel each compromised credit or debit card.
- (e) Advise the victim to contact any financial institutions to cancel existing, compromised or potentially compromised accounts.
- (f) Recommend the identity theft victim file a "fraud alert" by contacting each of the three major consumer reporting agencies and to add a victim's statement requesting creditors contact the victim before opening new accounts in the victim's identity.
- (g) Advise the identity theft victim of their right to obtain a "security freeze", per Washington State Law, RCW 19.182.170. The freeze prevents the victim's credit file from being shared with potential creditors. Each of the three major credit reporting agencies must be contacted in writing with a proof of identity and a copy of the police report.
- (h) Advise the victim of their right to obtain information and documentation regarding any transactions conducted using his or her identity by unauthorized persons, per the Fair Credit Reporting Act, FCRA 609(e).
- (i) Suggest the victim report the incident to the Federal Trade Commission (FTC at 1-877-IDTHEFT) or on-line www.consumer.gov, which acts as the nation's clearinghouse for information related to identity theft crimes. The FTC has trained counselors that can assist in resolving credit related problems.

362.6 VOLUNTARY FINGERPRINTS

Whenever a person claiming to be a victim of identity theft appears before the Spokane Police Department and requests an impression of his or her fingerprints to be made:

- (a) Spokane Police Department will refer the victim to Spokane County Forensics Unit to take fingerprints.
- (b) Spokane County Forensics Unit will make the required copies of the impressions on forms marked "Voluntary Finger/Palm Print and Photo Submission form." The victim will be provided with the appropriate documents to forward to WSP (RCW 43.43.760).

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362.7 INVESTIGATIONS

Investigations of identity theft shall include but not be limited to the following actions where appropriate:

- (a) Review identity theft reports while reviewing the daily fraud reports. If the victim has not received victim assistance/information, forward victim information if applicable. Not all identity theft reports will be investigated by detectives; however the identity theft victim will need victim information in order to correct the fraudulent accounts and activity(s) conducted in their identity.
- (b) Review the assigned identity theft report and any other cross referenced or related incident reports.
- (c) Determine whether or not the victim completed and forwarded an Identity Theft Packet to law enforcement. Contact the victim as necessary for clarification/expansion of the information.
- (d) Contact other involved or potentially involved investigative departments within the Spokane Police Department as well as other law enforcement agencies for collaboration and avoidance of duplication.
- (e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.8 WACIC IDENTITY THEFT VICTIM FILE

Identity Theft Reports may be entered into the WACIC/NCIC Identity Theft Victim File, pursuant to WSP ACCESS Manual Chapter 15.

- (a) If the victim of identity theft wants their information entered into the WACIC Identity Theft File database, the following steps will be taken.
- (b) Criteria: Someone is using a means of identification of the victim (denoted in the Identity Theft and Assumption Deterrence Act of 1998 as any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual) without the victim's permission.
 1. The victim must have an identity theft report on file with law enforcement.
 2. The victim will provide adequate identification which may include the victim's name, date of birth, Social Security number, voluntary fingerprints and photographs to verify their identity.
- (c) Procedure
 1. The victim and a commissioned officer must complete a victim profile (Identity Theft Consent Waiver) and select a unique password.
 2. The victim will be referred to the front desk officer who will then contact the Records Division and have the data entered into the WACIC/NCIC Identity Theft File.
 3. During subsequent encounters by law enforcement, the Identity Theft Victim File will be automatically checked during WACIC/NCIC name checks. The officer will receive a response listing the victim profile, including the password, thereby providing the officer with the information necessary to verify that the person encountered is the victim or that the person may be using a false identity. The response should be considered along with additional information or a circumstance surrounding the encounter before the officer takes action.

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362.9 COMMUNITY AWARENESS AND PREVENTION

Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations, or similar speaking or information dissemination efforts, shall provide the public with information on the nature and prevention of identity theft.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as reading or writing. Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language, but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his or her skill level, could be utilized to communicate fluently in a non-English language, but not to interpret between two languages if he or she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another an individual must possess the skill, training, and demonstrated competence to do so.

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.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the United States Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with officers, programs or services.

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- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to the following assistance methods.

368.3.1 BILINGUAL STAFF

Individual officers and employees need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual employees of this department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

368.3.2 WRITTEN FORMS AND GUIDELINES

This department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area and/or provide interpretive services.

368.3.3 INTERPRETER SERVICES

The Combined Communications Center will maintain a list of qualified interpreter services which, upon approval of a supervisor can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who utilize official cellular telephones.

368.3.4 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual departmental personnel or other department-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts.

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Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see section V(3) of the U.S. DOJ Final Guidance available at the U.S. DOJ [website](#)).

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department, through Spokane County 911 Services, has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department.

368.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent translation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will make every reasonable effort to accurately translate/report all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individuals' medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to

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segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective language services in these situations.

Since medical screening is usually done by the jail staff at time of booking, and they decide what is to remain with the arrestee, officers should also be aware of medical issues.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

368.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking

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process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

- (a) Employee awareness of LEP policies, procedures, forms and available resources.
- (b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters.
- (c) Training for management staff, even if they may not interact regularly with LEP individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) and RCW 2.42.120 (4) and (5), it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. impairment).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the department or its officers.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and

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Hearing Impaired/Disabled Communications

honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the department or some other identified source. Department provided services may include, but are not limited to the following:

370.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual.
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly.
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a department form or document such as a Citizen Complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Combined Communications Center supervisor will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

370.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

370.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying

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on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department through Spokane County 911 Services, designated its 9-1-1 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable

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accommodations be made to assist such individuals with access to all necessary services.

- (c) Since medical screening is usually done by the jail staff at time of booking, and they decide what is to remain with the arrestee, officers should also be aware of medical issues.

370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

- (a) Employee awareness of related policies, procedures, forms and available resources.
- (b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment.
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Chaplain Program

376.1 PURPOSE AND SCOPE

The Spokane Police Department Chaplain Program is established for the purposes of providing spiritual, physical, and emotional support to all members of the department, their families and members of the public.

376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as deaths, serious injuries, abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
- (f) Possess a valid Drivers License.

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Chaplain Program

376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board, or council.
- (c) Interview with Chief of Police, Chaplain Board and Chaplain Supervisor
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Commander or supervisor aids in accomplishing the Department's mission.
- (g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
- (h) Counseling officers and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with other religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not accept gratuities for any service or follow-up contact that were provided while functioning as a chaplain for the Spokane Police Department.

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Chaplain Program

376.7 CONFIDENTIALITY

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others shall remain private and confidential. Members of the clergy are not required to reveal penitential communications; however, clergy must report child, elder or dependent adult abuse discovered while acting in any of the following capacities:

- (a) Marriage, family, or child counselor
- (b) Religious practitioner, who diagnoses, examines or treats children, elders, or dependent adults

376.8 COMMAND STRUCTURE

- (a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Senior Chaplain and/or Shift Commander.
- (b) The Chaplaincy Board shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander with approval from the Chief of Police.
- (c) The Senior Chaplain shall serve as the liaison between the chaplains' office and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the chaplains' office, coordinate activities that may concern the members of the chaplains' office and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of five evenings at a time during each month, beginning on Monday and ending on the following Friday. Other designated chaplains will cover the weekends.
- (b) Generally, each chaplain will serve with Spokane Police Department personnel a minimum of eight hours per month.
- (c) At the end of each month the chaplain will complete a Chaplain Monthly Hour Report and submit it to the Volunteer Services office.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Spokane Police Department operations, provided the Shift Commander has been notified and approved of the activity.
- (e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Spokane Police Department unless otherwise authorized by the Chief of Police or his/her designee.
- (i) The Senior Chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

376.9.1 EQUIPMENT, UNIFORMS AND BADGES

A distinct uniform, badge and necessary equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this department.

Child Safety Policy

380.1 PURPOSE AND SCOPE

The Spokane Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian.

380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Spokane Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the Officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

380.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

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Child Safety Policy

decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
 - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
 - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify the Department of Social and Health Services.
- (d) Notify the field supervisor or Shift Commander of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under age 13 is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Reporting Policy.

380.2.2 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

380.3 CHILD PROTECTIVE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child protective service or other department-approved social service.

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

380.4 TRAINING

The Training Lieutenant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children, participate on a timely basis in department-approved training on effective child safety when a parent or guardian is arrested.

Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Spokane 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 any animal that is individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals may be of any type or breed and need not be certified by any governmental agency or service group.

Some service animals, such as guide dogs, may be readily identifiable but 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 individuals with disabilities.

The following examples are just some of the ways service animals may be used to provide assistance:

- 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 with disabilities who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with physical disabilities 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 or to wake the person.
- 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, find places or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Under the Americans with Disabilities Act, service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Employees are expected to treat individuals with service animals with the same courtesy and respect that the Spokane Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations the employee may direct the partner/handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action

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Service Animal Policy

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 and members of this department are expected to provide all services as are reasonably available to the individual with the disability.

If it is apparent or if the officer is aware the animal is a service animal, the handler/partner 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 asked questions 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. Employees 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 permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, officers should take no enforcement action beyond keeping the peace and individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Right Division of the U.S. Department of Justice.

382.4 INQUIRIES AND COMPLAINTS

Under the ADA, people with disabilities have the right to be accompanied by service animals in public areas throughout this City and the Spokane Police Department considers interference with or denial of this right by any member of this department to be a violation of this policy. Complaints alleging violations of this policy against any department employee will be promptly investigated and should be referred to the Internal Affairs Unit.

Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become directly involved in a law enforcement action when off-duty can place an officer as well as others at greater risk, and should be done with careful consideration.

This policy is intended to provide guidelines for officers of the Spokane Police Department with respect to taking law enforcement action while in an off-duty capacity.

386.2 POLICY

There is no legal requirement for off-duty officers to take direct law enforcement action. Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate any enforcement action when witnessing minor crimes. These minor crimes would include for example, suspected intoxicated drivers, reckless driving and minor property crimes. Incidents such as these should be promptly reported to the appropriate law enforcement agency by calling either Crime Check or 911. Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstances that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or serious property damage may take reasonable action to minimize the threat. When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 DECISION TO INTERVENE

The following list is not intended to be inclusive of every off-duty situation that may be presented to an officer.

Should an officer decide to intervene, they should 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 that there may be multiple or hidden suspects.
- (b) The inability to communicate developing information to other responding units.
- (c) The lack of needed equipment, e.g. handcuffs, OC, or baton.
- (d) The lack of proper cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the location or surroundings.
- (g) The potential for the off-duty officer to be misidentified by other law enforcement officers or members of the public.

Off-duty officers should consider waiting for on-duty, uniformed officers or deputies to arrive, while gathering as much accurate information as possible, instead of immediately intervening.

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Off-Duty Law Enforcement Actions

386.3.1 INTERVENTION PROCEDURE

If direct 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 as well as providing a description of the off-duty officer when practical.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Spokane City Police Officer until acknowledged. Officer identification should also be displayed.

386.3.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest (e.g. family or neighborhood disputes) and should remain neutral. In such circumstances, officers should call the responsible LE agency to handle the matter.

386.3.3 NON-SWORN PERSONNEL 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 a practicable to do so.

386.3.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer or deputy in public, uniformed officers should wait for acknowledgment by the non-uniformed officer/deputy in case he/she needs to maintain an undercover capability.

386.4 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Commander as soon as practicable. The Shift Commander shall determine whether a report should be filed by the employee. Officers should cooperate fully with the LE agency having jurisdiction by providing statements or reports as requested or appropriate.

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Chapter 4 - FIELD OPERATIONS

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division 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 Spokane, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community oriented policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other Bureau's within the department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by community oriented policing and problem solving strategies.
- (i) Traffic direction and control.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various bureaus of the Spokane 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 can be submitted to the Records Division for distribution to all Bureaus within the department through daily and special bulletins.

400.2.2 TERRORISM

It is the goal of the Spokane 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 thorough field interview (FI) card. The supervisor should ensure that all terrorism related FI's are forwarded to the CIU sergeant in a timely fashion.

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Patrol Function

400.2.3 PATROL ROLL CALLS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share as much information as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol roll calls as time permits.

400.2.4 INFORMATION CLIPBOARDS

An information clipboard ("Hot Board") will be maintained in the sergeants' office and will be available for review by officers from all Bureaus within the department. The information on the "Hot Board" will be reviewed by each patrol team during daily patrol roll calls. Further information will be available to officers via the SPIN presentation and daily flyers in the roll call room.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees of the Spokane Police Department do not engage in bias-based policing or violate any related laws while serving the community.

402.2 POLICY

The Spokane Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other differences of those we serve. It is the policy of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual or group.

402.2.1 DEFINITION

Bias-based policing - The inappropriate reliance on race, ethnicity or national origin as a factor in deciding whether to take law enforcement action or to provide service.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.3.1 OTHER PROFILING PROHIBITED

The Spokane Police Department also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.410).

402.4 ADMINISTRATION

Each January, the Division Commander shall review the department's effort to prevent bias-based policing to include public concerns. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.

402.5 TRAINING

- (a) All sworn members of this department will be scheduled to attend training on the subject of bias-based policing.
- (b) All members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of the community.

Roll Call Training

404.1 PURPOSE AND SCOPE

Roll call training is generally conducted at the beginning of the officer's assigned shift. Roll call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct roll call; however officers may conduct roll call for training purposes with supervisor approval.

Roll call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

404.2 PREPARATION FOR DUTY

The supervisor conducting roll call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

Consumption of food at roll call is not allowed. The shift supervisor may authorize exceptions on a case-by-case basis for special occasions.

Officers will log into their vehicles immediately after roll call. Any required business in the station will occur after logging on and clearing the assigned patrol car out of the basement.

- Officers will log on with the assigned vehicle number. Changes in vehicle assignments will occur only with supervisory approval.
 - Oncoming shift sergeants will report unauthorized deviations such as cars left in the basement to their shift commander. Shift commanders will report these to the appropriate shift commander for investigation, correction or discipline.
- (a) Shift commander responsibilities
 1. The shift commanders will set an example in appearance, conduct and promptness.
 2. The shift commander or a designee will conduct a briefing for shift officers consisting of any relevant information.
 3. Shift briefings will begin promptly at the assigned times.
 4. The briefing will include, but not be limited to, intelligence information, officer safety information, wants and warrants, and organizational news.
 - (b) Sergeant responsibilities
 1. Sergeants will set an example in appearance, conduct and promptness.
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Roll Call Training

2. The assigned sergeant for each shift will complete all tasks required to prepare for the daily shift briefing.
3. The assigned sergeant or a designee will advise the Combined Communications Center which patrol vehicles currently in use are to be parked, so notification can be made to the officers currently assigned to the vehicles prior to the end of their shift.
4. Every shift, the sergeant will account for all officers assigned to the shift.
5. Sergeants will informally inspect officers on a daily basis to ensure adherence to uniform, equipment and grooming standards.
6. Formal inspections of uniform, equipment, vehicle and grooming will be conducted and documented no less than once a month.
7. There will be an appropriate period for team conversation and information sharing after the briefing and any training.
8. Prior to leaving the briefing room, sergeants will either secure or cause to be secured all sensitive information, and direct their team table area to be kept clean.
9. The sergeant or designee will advise the Combined Communications Center to secure prior shift.
10. To avoid overtime, roll call will not be more than 20 minutes in duration. If specific training requires a longer roll call, the sergeant or designee will notify the Combined Communications Center so notification can be made for the on-duty officers to park their vehicles.
11. The sergeant will assure that at the completion of roll call all officers immediately respond to their vehicles.

(c) Officer responsibilities

1. Be punctual in their attendance at the shift briefing.
2. Be dressed and groomed appropriately for the duty day.
3. Bring all necessary equipment to the briefing and report to duty directly from the roll call room.
4. Be seated at their assigned team tables during the briefing.
5. Refrain from conversation or comment during the briefing.
6. Record pertinent briefing information as personal notations.
7. Be responsible for introducing any assigned observers, after the briefing.
8. Each working day, check and clear their mail and messages at a time and in a manner that will not interrupt nor distract from the briefing or team business.
9. Respond to and purge mail and voice mail in a timely manner to allow for the constant flow from incoming sources.
10. Prior to leaving the briefing room, share the responsibility for securing sensitive information and keeping their team table area clean.

(d) Training time

1. Each supervisor has a training responsibility and function, and it is expected that all officers will assist in the process of identifying training needs to enhance the efficiency of police operations and service to the public.
2. On-line training will be completed as required during assigned shifts.

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Roll Call Training

(e) Vehicle acquisition and log-on

1. After the roll call is completed, officers will immediately obtain their cars and check into service.
2. There may be times when there are no cars available for all the officers checking into service. The team sergeant will be notified, and will decide if officers will double up or if the Combined Communications Center will call a unit in from the field.
3. Each officer will inspect the car for damage not already listed on the card in the car. If damage is discovered, it will be the officer's responsibility to notify a corporal before starting his/her tour of duty. The corporal will list the damage on the card in the glove box and notify the team sergeant. A report shall be written and a photo taken of the damage unless previously completed. The fleet servicer should be notified of the damage.
4. Each officer will inspect the shotgun and ensure that no rounds are in the chamber, that there are four rounds in the gun's magazine, and that the safety is on.
5. Each officer will search the interior of the car for any contraband or weapons that may have been left from the previous shift. Upon finding such items, an effort will be made to contact the officer who had the vehicle prior to the officer currently checking in and the items will be turned over to him/her. If the prior officer has already left the station or is at home, the officer currently checking in will then place the items on property as evidence and a copy of the report will go to the team sergeant of the officer checking in.
6. Once the inspection of the vehicle is completed, the officer will log-on immediately. Any required business in the station or at any other location will occur after logging on with the Combined Communications Center and advising them of the officer's location.
7. It will be the responsibility of the team sergeant or corporal to be present to ensure that there is an orderly vehicle transfer. Vehicles will not be left unattended in the basement unless parked in a designated/assigned space.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers however, shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until relieved by a supervisor. The supervisor is responsible for the integrity of the crime scene. A crime scene log will be established as soon as practical.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start a chronological log noting critical times and personnel allowed access.

406.2.2 MEDIA ACCESS

Authorized and bona fide 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. In situations where media access would appear to interfere with emergency operations and/or a criminal investigation. A reasonable effort should be made to provide media representatives with access to a designated media area.
- (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in SPD custody shall not be permitted.
- (e) The scene of a tactical operation will be coordinated in the same manner as a crime scene.

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Crime and Disaster Scene Integrity

406.2.3 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Combined Communications Center.

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

406.3.1 CONSENT

While consent to search should be obtained from authorized individuals where possible, it is often more prudent to obtain a search warrant in the case of serious crimes or major investigations.

406.4 CLEARANCE TO ENTER PROTECTED CRIME SCENE AREA

All employees, regardless of rank, shall obtain permission from the crime scene supervisor before entering the crime scene area. This does not apply to employees assisting in an emergency situation.

406.5 REPORT OF ACTIVITY REQUIRED

- (a) Each member will report to the crime scene log officer the time they entered and/or exited the crime scene.
- (b) Each member shall make a report regarding his/her activities in the crime scene or his/her participation in the investigation.
- (c) Each member responding to a major event controlled by a command post will make a report detailing his/her activities.

Tactical Response Teams

408.1 PURPOSE AND SCOPE

The purpose of the tactical response teams is to provide a group of officers who are trained and skilled in the use of specialized equipment and tactics for the resolution of critical incidents and tactical missions. Each team maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control. The tactical response teams consist of the Special Weapons and Tactics Team (S.W.A.T.), Hostage Negotiation Team (HNT), Tactical Team (TAC), Dignitary Protection Team (DPT), Explosives Disposal Unit (EDU), Technical Support Team (TST), and the Chemical Agent Response Team (CART).

408.2 SPECIAL WEAPONS AND TACTICS TEAM

The mission of the Special Weapons and Tactics Team (S.W.A.T.) is to provide the Spokane Police Department (SPD), or any other law enforcement agency whose request is approved by the Chief of Police or a designee, with a tactical response.

408.2.1 POLICY

It shall be the policy of the Spokane Police Department to maintain a S.W.A.T. Team and to provide the equipment, manpower, and training necessary to maintain an effective team. The S.W.A.T. Team should be supplied with sufficient resources to perform three basic functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

408.2.2 APPROPRIATE SITUATIONS FOR USE OF THE S.W.A.T. TEAM

The following are examples of incidents which may result in the activation of the S.W.A.T. Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Sniper situations where a suspect is firing upon citizens and/or police, whether stationary or mobile.
- (f) High-risk warrant service.
- (g) Personal protection to include the security of persons, such as VIP's, witnesses or suspects based on threat or the potential threat to their safety.
- (h) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

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Tactical Response Teams

408.2.3 ACTIVATION PROCESS

Activation of the S.W.A.T. Team requires an order from an officer with the rank of sergeant or higher. A S.W.A.T. Risk Analysis form has been developed to assist supervisory or command level officers with the decision making process regarding the management of critical incidents. This form should be used by supervisors to evaluate the risk factors associated with the incident in order to determine whether or not the activation of the S.W.A.T. Team would be merely prudent or required. The S.W.A.T. Risk Analysis form is available to all officers and can be accessed in the "forms" file within the "alphabetist" folder residing on the "H" drive.

408.2.4 AUTHORITY TO ENGAGE THE S.W.A.T. TEAM

The authority for the S.W.A.T. Team to engage in a tactical situation will be given only by the on-duty unit commander of the rank of lieutenant, or by an officer of higher authority. The officer authorizing the deployment of the S.W.A.T. Team will notify the appropriate bureau commander and/or the DSO. Once authorization to engage has been granted, the S.W.A.T. Team commander will assume control of the tactical response under the direction of the incident commander.

408.2.5 REQUESTS FROM OUTSIDE AGENCIES

The Spokane Police S.W.A.T. Team is available, with the approval of the Chief of Police or his/her designee, to any requesting law enforcement agency. The S.W.A.T. Team will function only as a team during these activations and will operate solely under Spokane Police Department command.

408.2.6 REQUESTS WITHIN SPD

Any division or unit within the Spokane Police Department may request the assistance of the S.W.A.T. Team in planning or conducting tactical missions. The unit commander, with notification to his/her bureau commander, will contact the S.W.A.T. Team commander with the request.

408.2.7 SPECIALIZED EQUIPMENT

Spokane Police Department S.W.A.T. Team members are trained in the use of specialized equipment, which includes firearms other than the standard issue handgun weapon system.

408.2.8 TACTICAL MISSIONS

The S.W.A.T. Team adheres to the Incident Command System regarding the management and mitigation of critical incidents or other tactical missions.

408.3 HOSTAGE NEGOTIATION TEAM

The mission of the Hostage Negotiation Team (HNT) is to provide trained communicators who may be utilized to attempt de-escalation and surrender during critical incidents where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

408.3.1 APPROPRIATE SITUATIONS FOR USE OF THE HNT

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages have been taken.
- (c) Cases involving threats of suicide.
- (d) Or other situations as determined by an incident commander.

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Tactical Response Teams

408.3.2 ACTIVATION PROCESS

Activation of the HNT requires an order from an officer with the rank of sergeant or higher. Generally, the Special Weapons and Tactics Team and the Hostage Negotiation Team shall be activated together. It is recognized, however, that a tactical team may be used in limited situations not requiring the physical presence of the hostage negotiation team such as, but not limited to, warrant service operations.

408.4 SPOKANE POLICE TACTICAL TEAM

The mission of the Tactical Team (TAC) is twofold. The first is to provide the patrol division with first response capabilities to critical incidents, scene protection and stability for the introduction of specialty team application, or if warranted, take decisive actions to neutralize a situation, such as with an active shooter. The second is to promote full participation in crowd management and event coordination with event sponsors and participants to ensure a feeling of security in the community through crowd management tactics.

408.4.1 APPROPRIATE SITUATIONS FOR USE OF THE TAC TEAM

The field supervisor should utilize the TAC Team for disturbances that may overwhelm the patrol resources or require the use of specialized crowd control equipment. The TAC Team should be used for passive protests that do not require immediate custodial arrests, but may result in a large number of arrests and last an extended period of time.

408.4.2 ACTIVATION PROCESS

Activation of the TAC Team requires an order from an officer with the rank of sergeant or higher. The authority for the TAC Team to engage in a tactical situation will be given only by the on-duty unit commander with the rank of lieutenant or above, or by an officer of higher authority. The officer authorizing the deployment of the TAC Team will notify the appropriate bureau commander and/or the DSO. Once authorization to engage has been granted, the tactical team commander will assume control of the tactical response under the direction of the incident commander.

408.5 DIGNITARY PROTECTION TEAM

The mission of the Dignitary Protection Team (DPT) is to provide a group of officers who are trained and skilled in the exclusive techniques and application of all types of protective services. The Dignitary Protection Team is used as a resource for the protection of personnel, property, and other tactical missions as deemed appropriate. The Dignitary Protection Team maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, command and control.

408.5.1 APPROPRIATE SITUATIONS FOR USE OF THE DPT

The following are examples of incidents which may result in the activation of the Dignitary Protection Team. All activations are based upon a reasonable and objection risk assessment to the persons or property involved:

- (a) Personal protection to include the security of persons, local dignitaries, government or public employees, visiting and national dignitaries, high profile speakers, as well as victims/witnesses/suspects of criminal and/or civil court cases.
- (b) Property or facility protection.
- (c) Request by an elected or appointed governmental official or other law enforcement agency.
- (d) Risk (Threat/Vulnerability) assessment.

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- (e) Any situation that could enhance the ability to preserve life, maintains social order, and ensures the protection of property.
- (f) Or other situations as determined by an incident commander.

408.5.2 ACTIVATION PROCESS

A request for protective services will be made to either the Dignitary Protection Team commander or assistant commander with timely notification to the bureau captain or major.

408.5.3 AUTHORITY TO ENGAGE THE DPT

Authority to engage the Dignitary Protection Team can be made by any officer of the rank of lieutenant or higher. The officer authorizing the deployment of the Dignitary Protection Team will notify the bureau commander and/or the DSO. Once authorization to engage has been granted, the Dignitary Protection Team commander will assume control of the protective services response under the direction of, or in the role of incident commander.

408.5.4 REQUESTS FOR PROTECTIVE SERVICES

The Dignitary Protection Team is available, with the approval of the Chief of Police or his/her designee, to any requesting law enforcement agency, public or private organization, or individual. Determination of the need for protective services will be based upon the subjective needs of the individual and/or organization, the public good, as well as the objective risk (threat/vulnerability) analysis determination. Any division or unit within the Spokane Police Department may request the assistance of the Dignitary Protection Team. The unit commander, with notification to his/her bureau commander, will contact the Dignitary Protection Team commander with the request.

408.5.5 SPECIALIZED EQUIPMENT AND TRAINING

The Spokane Police Department Dignitary Protection Team members are trained in the use of specialized equipment, firearms, and vehicles. Team members are also trained in the specialized tactics of protective services.

408.5.6 TACTICAL MISSIONS

The Dignitary Protection Team adheres to the Incident Command System regarding the management and mitigation of protective services incidents or other tactical missions.

408.6 EXPLOSIVES DISPOSAL UNIT

The mission of the Explosives Disposal Unit (EDU) is to provide a group of officers who are trained and skilled in the identification and disposal of suspected or actual improvised explosive devices, improvised or commercial explosives, improvised or commercial fireworks, large caliber ammunition, and military ordnance. The EDU is also used as a resource for the resolution of critical incidents and other tactical missions with capability to operate tactical robot equipment or provide explosive breaching for S.W.A.T. Team standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control.

408.6.1 POLICY

It shall be the policy of Spokane Police Department, in cooperation with the Spokane County Sheriff's Office to maintain an Explosives Disposal Unit and to provide the equipment, manpower, and training necessary to maintain an effective team. The EDU should be supplied with sufficient resources to perform four basic functions:

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- (a) Command and control
- (b) Diagnostic operations
- (c) Disposal/Destruct operations
- (d) Explosive Breaching

408.6.2 APPROPRIATE SITUATION FOR USE OF THE EDU

The following are examples of incidents which may result in the use of the Explosive Disposal Unit.

- (a) Render safe, collect, transport, preserve as evidence, or dispose of all identified devices, suspected devices, commercial fireworks class 1.3, ammunition .50 caliber and greater, and explosives.
- (b) Provide for legal, proper and safe transportation, disposal, or storage of explosives or other items mentioned above.
- (c) Provide explosive breaching capability for S.W.A.T.
- (d) Conduct post blast crime scene investigations.
- (e) Collect and preserve evidence related to explosive incidents.
- (f) Prepare and provide courtroom testimony.
- (g) Store, maintain, and inventory bomb squad equipment.
- (h) Provide technical support to special operations.
- (i) Provide support for dignitary protection.
- (j) Prepare and present explosives related training programs.
- (k) Maintain professional liaison with other bomb squads, FBI SABT, TSA, ATF, IABTI, etc.
- (l) Compile and report technical data on explosive devices and incidents
- (m) Report found or recovered military ordinance to military E.O.D. units.

408.6.3 ACTIVATION OF EXPLOSIVES DISPOSAL UNIT

Any field supervisor may request EDU assistance by contacting the Combined communications Center for the EDU supervisor contact information. EDU members on duty may be advised of an active incident, but requests for team activation should be made through the EDU supervisor.

408.7 TECHNICAL SUPPORT TEAM

The mission of the Technical Support Team (TST) is to provide support to any unit within the department and other law enforcement agencies in various areas to include but not limited to, surveillance cameras; video and still photo clarification and processing; tactical operations support (S.W.A.T., Hostage Negotiations, etc.); tracking devices; communications; undercover operations; specialized electronic equipment available for deployment under various circumstances; etc.

408.7.1 SUPERVISOR OF THE TST

The Technical Support Team currently consists of two full time commissioned employees. Additionally, there are a select group of SIU detectives that are trained in the limited use of the equipment of the TST. These commissioned officers report directly to the lieutenant of

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the Special Investigative Unit due to the varied responsibilities of the unit and the support that TST provides to other units and agencies.

408.7.2 UTILIZATION OF THE TST

The services of the TST are available to other units within the department as well as other law enforcement agencies. Requests for TST support within the department and from other law enforcement agencies must be with the approval of the requesting employee's supervisor or agency supervisor such requests must be also be communicated to the SIU commander as to their scope and mission.

408.7.3 ACTIVATION OF THE TST

The TST is available for after-hours call-out and utilization by members of the Spokane Police Department and other law enforcement agencies. TST call-out is normally to support tactical operations but can also be for other issues or events that require their expertise.

The first call for TST support will be to the lieutenant of the Special Investigative Unit. The lieutenant will have the responsibility to contact TST to see that the appropriate support is provided to the operation for which they have been requested.

408.8 CHEMICAL AGENT RESPONSE TEAM

The mission of the Chemical Agent Response Team (CART) is to assist in the resolution of critical incidence through the tactical use of chemical munitions. The CART is also utilized in crowd management/riot control situations for the purpose of delivery of blunt impact munitions.

The CART is a sub-sect of the SWAT team and the Tactical Team. All members on the CART are also members of either SWAT or Tactical Team. The CART is under the command of SWAT.

408.8.1 APPROPRIATE SITUATIONS FOR USE OF CART

Situations where the CART may be deployed involve but are not limited to; armed barricaded suspects, hostage situations, suicidal persons, riot control/crowd dispersal situations.

408.8.2 ACTIVATION PROCESS

A field supervisor can activate the CART. Only a lieutenant or higher ranking officer may deploy the team with notification to the DSO..

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Spokane Police Department ride-along program is offered to citizens, police department volunteers, and those employed within the city. Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age, unless police volunteers.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the department.
- Denial by any supervisor.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the administrative sergeant. The participant will complete a Ride-Along Waiver form at roll call. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along form.

The administrative sergeant will schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every 12 months. An exception would apply to the following: Co-ops, explorers, chaplains, reserves, senior volunteers, police applicants, and all others with approval of the administrative sergeant or other command personnel.

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.

Family members may ride with SPD employees. Individual family members shall not ride with an officer more than once in a six-month period. Family members must be at least 14 years of age. The standard Ride-Along Waiver will be used for all riders to include family members.

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410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Shift Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members from another law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Commander. 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.

An officer may carry a firearm on a ride-along only if:

- The officer is currently employed by a Washington State law enforcement agency; or
- As approved by the Chief of Police.

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the Combined Communications Center 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 Combined Communications Center 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 Administrative Sergeant is responsible for maintaining and scheduling ride-alongs.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer if objected to by the resident or other authorized person.

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410.5 MEDIA

- (a) Requests for media ride-alongs will be coordinated through the PIO office with notification to the Chief's Office and will coordinate with the administrative sergeant.
- (b) Under no circumstance shall a media ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
- (c) **Restrictions:**
 - 1. The media shall agree not to videotape or otherwise record or photograph any department members who are designated as being 'undercover'.
 - 2. If undercover members are unavoidably recorded, the media shall agree to obscure or otherwise conceal the identity, face, and/or other distinguishing characteristics.
 - 3. Media members shall agree not to broadcast or otherwise publicize images, names, or other identifying information on victims of crimes, witnesses of crimes, or suspects without the written consent of those individuals. (Victim and witness identification is protected under RCW 42.17.310.)
 - 4. Media members shall agree that certain conversations or information such as witness or informant names, or plans for future sensitive activities, if overheard, will not be recorded or revealed.
 - 5. The media shall refrain from filming or otherwise recording ongoing tactical operations that could jeopardize the public or officers.

410.6 SHIFT RESPONSIBILITIES

- (a) Supervisors or corporals will check at the start of their team's workweek the ride-along calendar for any scheduled riders they may have that week. If there is a problem with a ride request, they will contact the administrative sergeant. Ride requests may be canceled by the shift with notification to the administrative sergeant.
- (b) All riders will sign a Hold Harmless Agreement before their ride starts. This form will then be forwarded to the Chief's administrative support for filling.
- (c) The shift will check the riders ID prior to the ride.
- (d) Officers may cancel a ride at any time.
- (e) If sensitive information is being given out during roll call, the rider may be asked to wait briefly outside the drill hall while the information is being discussed.
- (f) Participants may only ride with officers who are off probation.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with RCW 70.105, WAC 173-303, and guidelines from the Washington State Department of Ecology, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Notify the Spokane Fire Department (SFD). SFD will have overall command of HazMat scenes.
- (b) Establish a perimeter of sufficient distance from the incident to ensure the safety of first responders and the general public.
- (c) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).
- (d) Provide first-aid for injured parties if it can be done safely and without contamination.
- (e) Begin evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered, however, depending on the substance, mandatory evacuation will be in compliance with the Spokane City/County Comprehensive Emergency Management Plan (CEMP) published by the Spokane County Department of Emergency Management.
- (f) Weather conditions such as wind speed and direction should be considered.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee exposure form that shall be forwarded via chain of command to the commanding officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

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Hazardous Material Response

412.3.1 SUPERVISOR RESPONSIBILITY

Respond to scene and coordinate response. When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, the department will determine the need for safety equipment and provide the appropriate equipment as available or take reasonable steps to ensure safety of employees.

Hostages and Barricaded Suspects

414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

414.1.1 DEFINITIONS

Hostage - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training in coordination with the Incident Commander.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300.

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.
- (b) Notification of tactical and hostage negotiation personnel.
- (c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots.
- (d) Establishment of inner and outer perimeters.
- (e) Evacuation of bystanders and injured persons.
- (f) Establishment of central command post and appropriate chain of command.
- (g) Request for ambulance, rescue, fire and surveillance equipment.
- (h) Coordination of news media access and news media policy.
- (i) Pursuit/surveillance vehicles and control of travel routes.

414.4 COMMAND AND CONTROL

All hostage negotiations and tactical operations will be under the control of the Incident Commander.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines shall be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The bomb squad should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Shift Commander, without touching the device, including:
 1. The stated threat.
 2. Exact comments.
 3. Time of discovery.
 4. Exact location of the device.
 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.
- (h) Other hazardous devices such as commercial fireworks, improvised fireworks, containers of gunpowder and large caliber ammunition (.50 caliber and over) shall be referred to the bomb squad for disposal.
- (i) When in doubt, call for assistance from Spokane City/County Explosives Disposal Unit.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

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416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Secure the perimeter.
- Secure the ingress/egress for fire and EMS.
- Sweep for secondary devices.
- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Request additional resources needed.
- Identify witnesses.
- Preservation of evidence and possible crime scene.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- Fire Department
- Bomb Squad
- Additional officers
- Field supervisor
- Shift Commander
- Detectives
- Forensic Science Services
- Duty Staff Officer (will be notified on all call-outs of the bomb squad)

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be embedded in nearby structures or hanging in trees and bushes. Fragile evidence may be found on or in victims.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

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416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Commander is immediately advised and fully informed of the details. The Shift Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health facility. The commitment of a person does not constitute an arrest. If an officer believes that a person falls within the provisions of RCW 71.05, he/she shall transport that person to the designated facility for evaluation and commitment.

418.1.1 POLICY

It is the policy of this department to utilize on-duty and available Crisis Intervention Team (CIT) members to be dispatched, respond to, and handle calls involving a suspected or actual mentally disabled individual.

418.2 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or commitment should carefully consider the following (RCW 71.05.010):

- (a) That it is vitally important to safeguard the rights of mentally disabled individuals.
- (b) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities.
- (c) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (d) Appropriate language usage when interacting with mentally disabled persons.
- (e) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons.
- (f) Community resources which may be readily available to assist with the mentally disabled individual(s).
- (g) The need to protect public safety.

418.2.1 MENTAL HEALTH DETENTIONS

- (a) A non-emergent detention is defined as one where the mentally disabled subject presents a likelihood of serious harm; or is gravely disabled. In such cases, officers may take the subject into custody only when:
 1. The mentally disabled person has been evaluated by a designated mental health professional; and
 2. Upon determining the need for detention, the mental health professional has filed a petition for initial detention; and
 3. The mental health professional has requested that the officer take the subject into custody and have him or her placed in a treatment facility (RCW 71.05.150).
- (b) An emergent detention is defined as one where, as the result of a mental disorder a person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled. In such cases, officers may take the subject into custody only under the following circumstances (RCW 71.05).

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1. At the written or oral request of a designated mental health professional who has evaluated the subject and determined the need for an emergent detention, or
 2. When the officer has reasonable cause to believe that the person is in need of emergent detention.
- (c) Emergent detentions based upon the written or oral request of a designated mental health professional evaluation will be 72-hour holds. Emergent detentions based upon the officer's reasonable cause will be 12-hour holds.
- (d) In all circumstances where a person is taken into custody on a mental health detention, the officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.
- (e) In general, any person involuntarily or voluntarily committed to an institution has the right to counsel at all times. If a person suspected of a mental disorder makes it known to the officer that he/she wishes to contact her/his attorney, the officer shall facilitate those arrangements as soon as practicable.

418.2.2 TRANSPORTATION

When transporting any individual for a commitment, the handling officer should contact the Combined Communications Center to determine which facility the patient should be transported.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Time and mileage shall be given when transporting a person under these circumstances. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member, and physically remain in the treatment room with the patient until released by treatment staff.

418.2.3 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.2.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.3 CRIMINAL CHARGES AND INDIVIDUALS WITH MENTAL ILLNESS

- (a) When an officer has reasonable cause to believe that the individual has committed acts constituting a non-felony crime that is not a serious offense, as identified in RCW 10.77.092, and the individual is known by history or consultation with the regional support network to suffer from a mental disorder, the officer may, with the approval of a supervisor (RCW 10.31):
1. Take the individual to a crisis stabilization unit. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to 12 hours.

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2. Refer the individual to a mental health professional for evaluation for initial detention and proceeding under RCW Chapter 71.05.
 3. Release the individual upon agreement to voluntary participation in outpatient treatment.
- (b) In deciding whether to refer the individual to treatment under this section, the officer shall be guided by standards mutually agreed upon with the county prosecutor's office.
 - (c) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.
 - (d) Officers are immune from liability for any good faith conduct under this section.
 - (e) When practical, any person charged with a crime, who also appears to suffer from mental illness, shall be booked at the Spokane County Jail before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.4 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination and is found to own, have in his/her possession or under his/her immediate control, any firearm whatsoever or any other dangerous weapon, and the handling officer reasonably believes the weapon represents a danger to the person or others if the person is released, the firearm or other dangerous weapon should be taken into temporary custody for safekeeping. Any weapon seized shall be booked into property pending disposition.

Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

Whenever the handling officer or the assigned detective has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report and direct the property and evidence technician to hold the weapons pending judicial review. The Investigative Services Bureau shall, within five (5) days, prepare a petition to the Superior Court or District Court for an order authorizing retention or other disposition of the weapons.

The handling officer shall further advise the person of the below described procedure for the return of any firearm or other dangerous weapon which has been confiscated.

418.4.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS (RCW 9.41.098)

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, Property and Evidence Facility 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

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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.

418.5 TRAINING

As a part of officer training programs, this agency will endeavor to include CJTC approved training on interaction with mentally disabled persons.

418.6 REPORTING

Officers will complete a police incident report. Additionally, prior to leaving the treatment facility, officers will complete the treatment facility's Patient Report by Law Enforcement form.

Cite and Release Policy

420.1 PURPOSE AND SCOPE

Officers may use citation, a notice to appear or juvenile referral release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with certain exceptions. The state courts have stated the intent to release all persons on misdemeanor and gross misdemeanor citations, if qualified for such release.

420.2 RELEASE METHODS

- (a) Release of adult violators by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:
 - 1. A field release is when the violator is released in the field without being transported to a jail facility.
 - 2. A jail release is when a violator is released after being transported to the jail and booked.
- (b) Release of juvenile violators for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:
 - 1. A field release in which the case is handled by referral.
 - 2. A jail release in which the juvenile is booked into the juvenile facility.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a Police officer.

Officers are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

An officer booking a suspect into jail shall notify a commissioned supervisor prior to the booking, or as soon as practicable.

A supervisor may authorize an "exceptional booking": when he/she has determined that immediate incarceration is necessary for public safety.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with state court rules.

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420.3.1 FIELD RELEASE

Whenever a person is pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer or any other authorized peace officer, may release the person in the field and serve upon the person a citation and Notice to Appear in court (CrRLJ 2.1 (b)(2)).

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be booked into jail.

420.3.3 DISQUALIFYING CIRCUMSTANCES

In determining whether to release the person or to book him or her into jail, officers shall consider the following factors (CrRLJ 2.1 (b)(2)):

- (a) Whether the person has identified himself or herself satisfactorily.
- (b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.
- (c) Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.
- (d) Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she issues the defendant the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 JUVENILE REFERRAL AND BOOKING

Completion of criminal citations for juveniles is generally not appropriate with the following exception:

- Misdemeanor traffic violations of the RCW and SMC.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to Juvenile Court for further action including diversion.

If the juvenile is arrested for a felony, the juvenile may be booked into the juvenile facility. However, a referral is also acceptable in these circumstances. In the case of a referral, the officer shall release the juvenile to a parent or legal guardian. When considering whether to book the juvenile or handle by referral, the officer should consider the following, in addition to factors listed in 420.3.3, as reasonable circumstances in which to book the juvenile:

- the gravity of the offense
- the past record of the offender
- the age of the offender

The juvenile suspect:

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- will likely fail to appear for further processing, or
- the juvenile has committed a crime while another case is pending, or
- the juvenile is a fugitive from justice, or
- the juvenile's parole has been suspended or modified

420.5 BOOKING OF POSTAL WORKERS AND COMMON CARRIERS

Whenever a postal worker for the United States Postal Service (USPS), or an operator of a commercial bus, is taken into custody, a supervisor shall respond. The responding supervisor shall immediately notify the suspect's employer of the arrest. The supervisor will make a reasonable effort to insure that the USPS or transportation company is allowed to continue the service interrupted by the suspect's arrest.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State [website](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

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agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 40 consular officers in Washington, with most located in Seattle and Spokane.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "Diplomat" or "Consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Washington license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

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The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the Department of State of the United States of America special plates of a distinguishing color and numerical series.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.
- (c) The identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.7.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official

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(green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:
- | | |
|---|------------------------------|
| Office of Foreign Missions | Diplomatic Security Service |
| San Francisco, CA | 915 Second Avenue, Room 3410 |
| (415) 744-2910, Ext. 22 or 23 | Seattle, WA 98174 |
| (415) 744-2913 FAX | (206) 220-7721 |
| (0800-1700 PST) | (206) 220-7723 FAX |
| Office of Foreign Missions | Department of State |
| Diplomatic Motor Vehicle Office | Diplomatic Security Service |
| Washington D.C. | Command Center |
| (202) 895-3521 (Driver License Verification) or | Washington D.C. |
| (202) 895-3532 (Registration Verification) | (202) 647-7277 |
| (202) 895-3533 FAX | (202) 647-1512 |
| (0815-1700 EST) | (Available 24 hours) |
| | (202) 647-0122 FAX |

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of

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Arrest or Detention of Foreign Nationals

State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have the collision report coded as required. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that 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.

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- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

Officers shall provide Combined Communications Center with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Combined Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Officers shall document in the appropriate Arrest-Investigation Report, the date and time the Combined Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality, and will note the name of the person contacted at the embassy/consulate.

Rapid Response And Deployment Policy

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

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- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Spokane Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Commander. If the request is of an emergency nature, the officer shall notify the Combined Communications Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the City of Spokane shall notify his/her supervisor or the Shift Commander and respective jurisdiction at the earliest possible opportunity. Exceptions would include in-progress and minor offenses that extend past the immediate jurisdictional boundaries. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded through the chain of command, to the officer's Bureau Commander.

426.2 SPOKANE POLICE JURISDICTION

In addition to the incorporated City limits of Spokane, SPD also has primary jurisdiction at:

- All Spokane County owned buildings or properties within the City limits except: 1) non-public areas of the Spokane County Jail, 2) any incident within the Superior, Juvenile, or District Courts involving inmates of the Spokane County Jail.
- All Washington State properties or buildings within City limits.

SPD has concurrent jurisdiction with federal authorities at the Veteran's Hospital, 4815 N. Assembly and the Federal Court House, 920 W. Riverside.

Federal authorities have exclusive jurisdiction at the fenced cemetery and military vehicle storage area in Ft. George Wright and that area of the Main Post Office, Riverside and Lincoln, extending from the south side of that building to the north to include the executive offices.

SPD officers may be called to these areas for exigent circumstances. Civil or criminal process may be executed in the exclusive areas .

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (U.S.C.) dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The Spokane Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

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Immigration Violations

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (RCW 10.31.100). A field supervisor shall approve all such arrests.

428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

Any person detained for an infraction pursuant to the authority of RCW 46.61.021, may be detained, upon approval of a supervisor, for a reasonable period for the purpose of determining the person's true identity.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If an officer believes that an individual taken into custody for a felony is also an undocumented alien, and after he/she is formally charged and there is no intention to transport to the county jail, ICE shall be informed by the arresting officer so that they may consider placing an immigration hold on the individual.

Whenever an officer has reason to believe that any person arrested for an offense other than a felony may not be a citizen of the United States, and the individual is not going to be booked into the county jail, the arresting officer may cause ICE to be notified for consideration of an immigration hold. In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense.
- (b) Community safety.
- (c) Potential burden on ICE.
- (d) Impact on the immigrant community.

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Spokane Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The

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Immigration Violations

decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. §1373 and 8 U.S.C. § 1644).

428.4.1 U-VISA NONIMMIGRANT STATUS

Under certain circumstances federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 U.S.C. § 1101(a)(15)(U)). A petition for a U-Visa from the U.S. Citizenship and Immigration Services must be completed on Department of Homeland Security (DHS) Form I-918 by the assigned investigator or the assigned prosecutor and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa to be issued.

Any request for assistance in applying for U-Visa status should be forwarded in a timely fashion to the Investigation Bureau Sergeant assigned to supervise the handling of any related case. The Investigation Bureau Sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether an update on the case is warranted.
- (b) Review the instructions for completing the certification if necessary. Instructions for completing Form I-918 can be found on the DHS web site at <http://www.uscis.gov/portal/site/uscis>.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification has not already been completed and that certification is warranted.
- (d) Timely address the request and complete the certification if appropriate.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

Emergency Utility Service

430.1 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.

430.1.1 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 Combined Communications Center.

430.1.2 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. Avista should be promptly notified, as appropriate.

430.1.3 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.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Combined Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Spokane furnishes maintenance for all traffic signals within the city, other than those maintained by the State of Washington.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Combined Communications Center of the location and problem with the signal. Officers should consider the potential of collisions due to the malfunctioning signal and take appropriate action to minimize these dangers, i.e., portable signs, barricades, or directing traffic. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Spokane Police Department will assign patrol rifles to qualified officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A Patrol rifle is an authorized weapon which is owned by the department, or an authorized personally owned weapon, which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for Patrol duty unless pre-approved in writing by the Rangemaster.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Rangemaster, and issued by the department may be used by officers in their law enforcement responsibilities. The authorized Patrol rifle issued by the department is the Colt AR-15

432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer who shall inspect and service each patrol rifle on an annual basis.
- (b) Each officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Armorer at any time.
- (e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 24-hour patrol rifle user's course, or other comparable Rangemaster approved course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete training and annual qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify will not be authorized to carry the patrol rifle.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

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

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the Patrol rifle shall be governed by the department's Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

- (a) The chamber is empty.
- (b) The rifle bolt is forward with the hammer down.
- (c) The rifle safety is on.
- (d) There is a fully loaded magazine in the rifle with no more than 28 rounds.
- (e) The dust cover is closed.
- (f) The rifle is stored in the locked patrol vehicle's rifle rack or trunk.

432.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the department armory. Personally owned rifles may be stored in the armory or at the officer's home within a locking vault.
- (b) At the end of the assigned officer's shift, the department patrol rifle will be returned and secured in the department armory.
- (c) Officers assigned with take home cars may store department and personally owned rifles (patrol and specialty team rifles) in:
 - 1. The department armory;
 - 2. The police vehicle if the vehicle is stored within a garage and the rifle is secured in a locking device or in the locked vehicle trunk; or
 - 3. The officer's home and secured within a locking vault.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

434.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the Medical Examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,

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the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

434.2.3 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department.
- (b) The affected airport tower.
- (c) Closest military base if a military aircraft is involved.
- (d) Ambulances or other assistance as required.
- (e) Notify area hospitals of the potential for an influx of injured patients (if appropriate).
- (f) Ensure the FAA and NTSB have been notified.

When an aircraft accident is reported to the Spokane Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The department Public Information officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his/her designee.
- (b) When practical, the department Public Information officer should coordinate with the FAA Press Information officer to prepare a press release for distribution to the media.

Information released to the press regarding any aircraft accident should be handled by the SPD Public Information officer or in accordance with existing policy. The Public Information officer should coordinate the release of such information with the FAA Press Information officer.

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434.3 DOCUMENTATION

Any aircraft accident (crash) within the City of Spokane, regardless of whether injuries or deaths occur, shall be documented.

Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Spokane Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which should be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTO's.
- (f) Holds a valid Peace Officer Certificate with CJTC.

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTO's must attend monthly FTO training. This training will be at least two hours per month and FTO's must attend a minimum of 80% of these trainings per year.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Assistant Director of Training will supervise the FTO program.

The FTO Program supervisor (FTO sergeant) shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to FTO's.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.

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- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTO's.

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Spokane Police Department who has successfully completed a CJTC approved Basic/Equivalency Academy.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Spokane Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Spokane Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of their assigned trainee to the FTO program supervisor on a weekly basis.
- (b) Review the Weekly Trainee Performance Evaluations with the trainee each week.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.
- (e) When the regular FTO is gone for one or two shifts, the substitute FTO shall fill out a daily report on that recruit. The daily report will be reviewed by the substitute FTO and will be forwarded to the regular FTO for placement with the weekly report.

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436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Weekly Trainee Performance Evaluations and forward one copy to the FTO program supervisor and one copy to the shift commander.

During Phase III, sergeants shall complete a monthly evaluation on all probationers assigned to them.

436.6.3 FIELD TRAINING ADMINISTRATOR

The FTO Program supervisor will review and approve the Weekly Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation on each of their FTO's and on the Field Training Program.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Weekly Trainee Performance Evaluations.
- (b) Monthly Phase III reports.
- (c) Corrected mid-term and final FTO exams.

436.8 FTO BOARD

The FTO Board is responsible for assessing the performance of trainees in the FTO Program. The end result of this assessment is to recommend continuing the trainee in the standard FTO program, providing additional/specialized training or recommending termination to the Chief of Police.

The FTO Board is chaired by the FTO sergeant under the direction of the patrol captain. Normally the board is convened to assess the trainee's performance in phase 2D, but can be convened at any time depending on need.

436.9 REMEDIAL TRAINING FOR VETERAN OFFICERS

When FTO's are required to be involved in the re-training or supplemental training of veteran officers, the current FTO Training Model shall be used. Reporting of this training will be the same as the FTO weekly reports.

Obtaining Helicopter Assistance

438.1 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.

438.2 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 shall be made by first contacting the DSO.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

The Shift Commander shall determine if the situation warrants a request for a call-out of the SCSO helicopter unit. If permission is granted, the Shift Commander shall direct the Combined Communication's Center to make the appropriate notifications.

438.2.2 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.
- (f) Other situations as determined by the field supervisor.

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.

Detentions and Photographing Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI), pat-down frisks, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.

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- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Spokane Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Officers should seek consent to record such statements whenever possible.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 PAT-DOWN FRISKS

A pat-down frisk of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down frisk include, but are not limited to the following:

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- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down frisks should be performed by officers of the same gender.

440.5 FIELD PHOTOGRAPHS

When collecting photographic evidence, corporals shall not photograph the intimate areas of persons of the opposite gender. Intimate areas shall mean the breasts, buttocks and genitals.

If a photograph of any person's intimate area is necessary for evidentiary purposes, corporals may utilize another officer who is of the same gender as the person being photographed. If a same gender officer is not available, the corporal may use medical personnel, preferably of the same gender. If the person who is to be photographed objects to the medical personnel taking the photographs, the forensics unit will be called out to do so.

Corporals should give direction to the officer or medical personnel taking the photographs on the operation of the camera, the specific evidentiary need for the photograph, and the area(s) to be photographed. Corporals should review the photographs (not in the presence of the person the pictures were taken of) to ensure that the evidentiary need has been met.

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should document in a report or FI that the individual consented to a posed photograph(s).

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

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440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Forensics Unit. An associated FI card, incident report, or other memorandum explaining the nature of the contact must be completed. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph log.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

440.7.1 PURGING THE FIELD PHOTOGRAPHS DEEMED TO BE OF CRIMINAL INTELLIGENCE IN NATURE

Investigative units whose primary responsibility is the collection, retention, dissemination and purging of criminal intelligence will review and purge photographs in compliance with 28 CFR PT.23.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact. The request to review the status of the photograph/FI shall be directed to the office of the Chief of Police. Upon a verbal request, the department shall send a request form to the requesting party along with a copy of this policy.

Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity.

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants.

442.2 DEFINITIONS

Criminal Street Gang (RCW 9.94A.030) - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name, or common identifying sign or symbols, having as one of its primary activities the commission of criminal acts, and whose members and associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

Criminal Street Gang Associate or Member (RCW 9.94A.030) - Any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

Criminal Street Gang-Related Offense (RCW 9.94A.030) - Any felony or misdemeanor offense, whether in this state or elsewhere, that 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, with the intent to gain admission, or promotion within the gang, or with the intent to promote further or assist in any criminal act by the gang, or is committed for one or more of the following reasons: To increase or maintain the gang size, membership, prestige, dominance, or control in any geographical area; to exact revenge, or retribution for the gang, or any member of the gang; to obstruct justice, or intimidate or eliminate any witness against the gang, or any member of the gang; to directly or indirectly cause any benefit, aggrandizement, gain profit, or other advantage for the gang, its reputation, influence, or membership; or to provide the gang with any advantage in, or any control or dominance over any criminal market, sector, including but not limited to manufacturing, delivering or selling any controlled substance, arson, trafficking in stolen property, promoting prostitution, human trafficking, or promoting pornography.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Spokane Violent Crimes Gang Enforcement Team shall be authorized to collect information on individuals who are reasonably suspected of participating in a criminal street gang and groups that are suspected of being a criminal street gang.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
1. They have a common name or common identifying sign or symbol.
 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
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- (b) Criteria For Gang Member Database Submission: A subject can be entered into the Spokane Regional GangNet database when two or more of the following criteria are found through investigation, coupled with the officers' training and expertise. The only single-criteria approved for entry is an in-custody jail classification interview:
1. Subject has admitted to being a gang member.
 2. Subject has been arrested with known gang members for offenses consistent with gang activity.
 3. Subject has been identified as a gang member by a reliable informant/source.
 4. Subject has been identified as a gang member by an untested informant.
 5. Subject has been seen affiliating with documented gang members either in person or photos. A photo alone cannot justify these criteria. The Training and experience of the officer will be relied on in determining the context of the photo.
 6. Subject has been seen displaying gang symbols and/or hand signs.
 7. Subject has been seen frequenting gang areas.
 8. Subject has been seen wearing gang-specific attire.
 9. Subject is known to have gang-specific tattoos or gang-specific body modifications. Knowledge of these body markings must be documented.
 10. An admission of gang membership during an in custody jail/prison classification interview. **(All others require two criteria). The Spokane Police Department shall maintain source documentation, which adequately supports each entry.*
- (c) Criteria For Gang Associate Database Submission: The associate information is entered into the Spokane Regional GangNet database for the purpose of providing further identification, through an established relationship, of an existing gang member. There are two mandatory separate submission criteria established for entry of associates into a gang member's record. The following two criteria must be present:
1. The individual is known to associate with active gang members.
 2. The law enforcement or criminal justice officer has established a reasonable suspicion the individual is involved in criminal activity or enterprise. The officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience and training rather than mere hunch or whim. *The Spokane Police Department shall maintain source documentation, which adequately supports each entry.*
- (d) An individual may be designated as a gang associate only when the individual is known to associate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

All information to be retained in the Spokane Violent Crimes Gang Enforcement Team's (SVCGET) criminal intelligence files must meet the stated guidelines for file definition and content. Information will only be retained in one of three file categories as set forth below:

- (a) Permanent File:
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1. This file includes individuals, groups, businesses, and organizations which have been positively identified by one or more distinguishing characteristics and criminal involvement.
 2. Retention Period: The retention period is five years after which the information is evaluated for its file acceptability.
- (b) Temporary File:
1. The temporary file includes information about individuals, groups, businesses, and organizations which have not been positively identified by one or more distinguishing characteristics, or other information that the SVCGET reasonably suspects is related to criminal activity.
 2. Individuals, groups, and organizations are given temporary file status only if at least one of the following situations applies:
 - (a) The subject is unidentifiable because there are no physical descriptors, identification numbers, or distinguishing characteristics available
 - (b) The SVCGET reasonably suspects that the subject is involved in criminal or gang activity
 - (c) The subject has a history of criminal or gang conduct, and the circumstances afford him an opportunity to again become active
 - (d) The reliability of the information source and/or the validity of the information content cannot be determined at the time of receipt
 - (e) The information appears to be significant and merits temporary storage.
 3. Retention Period: The retention period is one year during which time effort is made to secure additional data verification. If the information still remains in the temporary file at the end of one year with no update information added, and no information is available, the information is purged and destroyed.
- (c) Working File:
1. The working file is the receiving phase of newly acquired raw data. The SVCGET staff will review the new materials for its acceptability to the SVCGET's criminal intelligence storage system.
 2. Retention Period: The retention period is thirty working days during which effort is made to determine the value of the raw data and its acceptability to the SVCGET's criminal intelligence system.
 3. The SVCGET supervisor will be kept informed of the content of a working file

442.4.1 GANG INTELLIGENCE DATABASES

While this policy does not establish a gang intelligence database, the Chief of Police may approve one or more gang intelligence databases for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Division after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

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It is the responsibility of the Records Manager to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 C.F.R. § 23.20. The Records Manager may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

(a) Field Interviews

1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a F.I. card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant.

- (b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.6 RELEASE OF INFORMATION TO PARENT OR GUARDIAN

All inquiries will be made to the Spokane Violent Crimes Gang Enforcement Team supervisor for determination of dissemination of information. When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, acknowledgment of member or associate status may be provided by the Gang Enforcement Team supervisor, unless the release of such information can be clearly shown to jeopardize an on going criminal investigation. All inquiries will be made to the Gang Enforcement Team Supervisor for determination of dissemination of information. No information will be provided over the phone, and proof of parental authority will be required before any information is released. No documents or photographs will be provided or released.

442.7 REVIEW AND PURGING OF GANG PARTICIPANT DATABASE

The database shall be reviewed and purged on an ongoing basis in accordance with 28 CFR part 23, state law, and the Criminal Intelligence Unit guidelines.

All other files shall be retained or purged in accordance with records management guidelines and general records retention schedules.

442.8 DISSEMINATIONS OF THE DATABASE INFORMATION

Information from criminal street gang participant databases may be furnished to authorized department personnel and other authorized public law enforcement agencies, including the statewide gang database and the Spokane Regional GangNet system, only on a need to know and right to know basis in compliance with 28 CFR part 23 and state law, R.C.W. 42.56.240 and 43.43.762 and .856. This means information that may be of use in the prevention of gang related criminal activity or in the investigation of gang related crimes may be released to members of this department and other law enforcement agencies at the discretion of the unit supervisor or his/her designee.

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442.9 REPORTING CRITERIA AND ROUTING

- (a) Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related shall be documented on a report form.
 - 1. The reporting officer shall describe why the incident may be criminal street gang related and document statements, actions, dress, etc. that would tend to support the belief that involvement of a criminal street gang has occurred.
 - 2. The officer shall specifically indicate that a copy of the report be routed to the Spokane Violent Crimes Gang Enforcement Team.
- (b) Officers completing a field interview card under the guidelines above shall route it to the Spokane Violent Crimes Gang Enforcement Team.

442.10 SPOKANE REGIONAL GANGNET

The SPD shall establish, maintain and oversee the operations of a regional criminal gang database, to be known as the Spokane Regional GangNet System. The system will establish and maintain a database to cover the geographical area of Eastern Washington and Northern Idaho. The system shall be maintained in conformance with this policy, and all other policies and laws regarding the collection, maintenance, dissemination and purging of criminal intelligence information.

Shift Commanders

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a lieutenant, who is in charge of a shift, shall ensure appropriate team supervision.

444.1.1 DUTIES

Specifically, a patrol lieutenant reports to the Operations Bureau captain and is responsible for the following:

- The implementation of departmental rules, regulations, policies and procedures
- The personnel assigned to the shift and the quality of their performance
- The management of a precinct in accordance with the goals, objectives and priorities set by the division management team.
- Discipline within the precinct
- The development and training of subordinates

444.2 DESIGNATION AS ACTING SHIFT COMMANDER

When a lieutenant is unavailable for duty as Shift Commander, in most instances the senior qualified sergeant shall be designated as acting Shift Commander. This policy does not preclude designating a less senior sergeant as an acting Shift Commander when operational needs require or training permits.

444.3 SHIFT SUPERVISION

Generally, shift staffing shall consist of two supervisors, one of which may be a corporal, being on duty at any given time.

Mobile Digital Device Use

448.1 PURPOSE AND SCOPE

The Mobile Digital Device (MDD) accesses confidential records from the State of Washington, Department of Justice and Department of Licensing databases. Employees using the MDD shall comply with all appropriate federal and state rules and regulations.

448.2 MDD USE

The MDD shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the department are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All Priority 1 and 2 calls will be dispatched to patrol units by voice and MDD .

448.2.1 USE WHILE DRIVING

Use of the MDD by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDD's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDD.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDD system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status should be entered by depressing the appropriate keys on the MDD's.

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448.3 MDD CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDD

Whenever possible, officers will not use units with malfunctioning MDD's. Whenever officers must drive a unit in which the MDD is not working, they shall notify the Combined Communications Center. It shall be responsibility of Combined Communications Center to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS

Officers shall not use any equipment, including MDD's, to transmit a radio frequency signal within 300 feet of a suspected improvised explosive device.

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Marijuana Act and criminal controlled substance violations (RCW 69.51A).

452.1.1 DEFINITIONS

The following definitions apply for the purpose of this Section and except where noted are provided by RCW 69.51A.010:

- (a) **Designated Provider** - A person who is eighteen years of age or older who has been designated in writing by a patient to serve as a designated provider. An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the patient.
- (b) **Health care professional** - A physician licensed under chapter RCW 18.71, a physician assistant licensed under chapter RCW 18.71A, an osteopathic physician licensed under chapter RCW 18.57, an osteopathic physicians' assistant licensed under chapter RCW 18.57A, a naturopath licensed under chapter RCW 18.36A or an advanced registered nurse practitioner licensed under chapter RCW 18.79.
- (c) **Medical Use Of Marijuana** - Means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.
- (d) **Qualifying Patient** - Any person who meets all of the following criteria:
 - 1. Is a patient of a health care professional.
 - 2. Has been diagnosed by that health care professional as having a terminal or a debilitating medical condition.
 - 3. Is a resident of the state of Washington at the time of such diagnosis.
 - 4. Has been advised by that health care professional about the risks and benefits of the medical use of marijuana.
 - 5. Has been advised by that health care professional that he/she may benefit from the medical use of marijuana.
- (e) **Terminal or Debilitating Medical Condition** -
 - 1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
 - 2. Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or
 - 3. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
 - 4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
 - 5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

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6. Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
 7. Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter RCW 69.51A.010(6).
- (f) **Tamper-resistant Paper** - Paper that meets one or more of the following industry-recognized features:
1. One or more features are designed to prevent copying of the paper.
 2. One or more features are designed to prevent the erasure or modification of information on the paper,
 3. One or more features are designed to prevent the use of counterfeit valid documentation.
- (g) **Valid Documentation** - Documentation that meets all of the following criteria :
1. A statement signed and dated by a qualifying patient's health care professional, written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of marijuana.
 2. Proof of identity such as a Washington state driver's license or identi-card as defined in RCW 46.20.035.
 3. A copy of the qualifying physician statement shall have the same force and effect as the signed original.
- (h) **Sixty-Day Supply** - Up to 24 ounces of usable marijuana and 15 plants. (RCW 69.51A.080; WAC 246-75-010 (3)(a)).

452.2 LIMITATIONS ON ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, Washington has created a limited exception to the criminal statutes governing the possession and manufacturing of marijuana. In addition, there are also other defenses available for possessing small quantities of marijuana for medical use under certain conditions. For additional information regarding other defenses refer to 452.3.

452.2.1 EXCEPTION

An exception from the criminal laws prohibiting possession, delivery, or production of marijuana and related offenses, applies to a person who is:

- (a) A qualifying patient.
- (b) A designated provider.
- (c) The parent of a qualifying patient that is under 18 years of age.

452.2.2 LIMITATIONS ON THE EXCEPTION

There are a number of disqualifying acts that preclude a person from relying on the exception identified above. The exception does not apply if:

- (a) The person is not one of the authorized persons described in the previous section.
- (b) Regardless of documentation, the person has engaged in certain disqualifying conduct specified below.

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452.2.3 STATUTORY DISQUALIFICATIONS

The criminal law exception does not apply to any person - even one who possesses valid documentation under the Act - if the person has engaged in any of the following activities (RCW 69.51A.060):

- (a) Driving under the influence of marijuana.
- (b) Display or use of marijuana in a public place or in public view.
- (c) Fraudulent possession or production of documents that are purported to be valid documentation.

452.3 DEFENSES

452.3.1 AFFIRMATIVE DEFENSE

If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his/her compliance with the requirements provided in RCW 69.51A. Such persons cannot be penalized or denied their rights or privileges in any way.

An affirmative defense to a charge of unlawful possession, delivery or manufacture of marijuana, applies to a qualifying patient, who possesses no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply. The qualifying patient must present valid documentation to the officer.

The affirmative defense criteria also applies to any designated provider, so long as they are complying with all other requirements of RCW 69.51A. In addition, designated providers are prohibited from consuming marijuana that has been obtained for the qualified patient in their care. If the qualifying patient is under eighteen years of age, to establish an affirmative defense they must meet all the requirements of adult qualifying patients and all decisions regarding production, acquisition and dosing decisions shall be the responsibility of the parent or legal guardian (RCW 69.51A.040).

452.4 EFFECT ON MARIJUANA INVESTIGATIONS

The Act places a substantial burden on officers to anticipate potential medical use claims and to determine their validity in the initial stages of an investigation. If an officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. An officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance (RCW 69.51A.040).

452.5 INVESTIGATIVE EFFORTS

452.5.1 EVIDENCE REGARDING THE AMOUNT OF MARIJUANA GROWN OR POSSESSED

If the amount of marijuana manufactured or possessed exceeds the presumptive limits, the person cannot establish the affirmative defense.

452.5.2 EVIDENCE OF SALES

The criminal law exception and the affirmative defense are not available to a person who has delivered marijuana and consideration should be given to the following:

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- (a) Is there evidence that the person has been engaging in the sale of marijuana: scales, packaging materials, records of drug sales, cash?
- (b) Is the size and sophistication of the grow operation consistent with personal use?
- (c) A financial net worth investigation may be appropriate to determine all sources of income available to the person and his/her family and existing or recent liabilities. Evidence of federal tax returns, relevant lenders or debtors, and relevant financial institutions and bank accounts can be valuable to an investigation.

452.5.3 OTHER RELEVANT CIRCUMSTANCES

- (a) Is the person in possession of other unlawful controlled substances?
- (b) Has the person committed other new offenses?
- (c) Does the person have a history of arrests or convictions for possession of a controlled substance with intent to deliver or delivery of a controlled substance, marijuana or other controlled substance offenses?

452.6 ARRESTS AND SEARCHES

If a subject asserts possession, use or cultivation of marijuana as medical in nature, but does not possess valid documentation, such lack generally should not alone serve as probable cause to search the holder or any related property. Before making a warrantless arrest or issuing a citation for a marijuana offense, or making a warrantless search or seizure based on probable cause, an officer should first ask the person why he/she is growing or possessing marijuana (this should be an open-ended question that does not suggest a response.)

- (a) If the person claims medical use, but does not possess valid documentation:
 - 1. The criminal law exception does not apply and, if probable cause exists, the officer may take action appropriate to the circumstances, e.g., arrest or citation.
 - 2. It is recommended that the officer also conduct additional investigation for evidence relevant to a potential affirmative defense.
- (b) If the person presents a valid documentation, as either a qualifying patient or designated caregiver:
 - 1. A person who holds valid documentation is not subject to arrest or citation for those offenses, unless the person has engaged in disqualifying conduct described in Policy Manual § 452.2.3 or is cultivating or in possession of amounts in excess of a sixty-day supply. If the person claims to possess valid documentation not in their possession, the officer may make an effort to verify it's existence before proceeding.
 - 2. Persons with forged documents: It is a Class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as valid documentation. (RCW 69.51.060(6)).
- (c) Sixty-day Supply: If the person presents valid documentation:
 - 1. The officer should attempt to make an assessment if the quantity of marijuana being cultivated or possessed by the qualified patient or designated provider is that amount that could reasonably be expected to be consumed over a period of sixty-days for their personal medical use.
 - 2. If the officer determines that the amount of marijuana is in excess of the sixty-day supply, an arrest may be made with the appropriate criminal charge.

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452.6.1 RETURN OF MARIJUANA

Regardless of the prosecution status or disposition of any related criminal case, this department will not return any marijuana seized as evidence unless presented with a valid court order requiring the return.

Bicycle Patrol Program

454.1 PURPOSE AND SCOPE

The Spokane Police Department has established the Bicycle Patrol Program (BPP) 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.

454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the patrol supervisor or the Shift Commander.

454.3 TRAINING

Participants in the program must complete an initial department approved bicycle-training course. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.
- Qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

454.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eye-wear and approved footwear. Soft body armor/vest is required.

The bicycle uniform consists of the department approved white polo shirt or white uniform short-sleeved shirt with white tee shirt worn underneath it and Department approved bicycle shorts or long bicycle pants, solid white socks, ankle length without logos or brand visible and department approved bicycle or athletic shoes. The department approved jacket may also be worn. Spandex black or blue shorts may be worn under the required bicycle shorts.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment if feasible.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

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454.5 CARE AND USE OF PATROL BICYCLES

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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 request will be submitted through the chain of command.

Bicycle maintenance will 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, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

454.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

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.

Department purchased bike uniform items and equipment shall be returned to the quartermaster at the end of the seasonal bike patrol program.

Unlawful Transient Shelter

455.1 PURPOSE AND SCOPE

This policy shall establish the professional philosophy and procedures of the Spokane Police Department when enforcing the provisions of the transient shelter ordinance.

It is the purpose of this policy to prevent the following harms associated with people creating unlawful shelters on public property and on public right of ways:

- (a) Safety hazards to persons and/or property occasioned by use of open flames or fires without proper containment and/or fire suppression apparatus, and/or obstructions and/or impediments in public right of way.
- (b) Negative environmental impacts occasioned by contamination from improper disposal of solid waste, detergents and fuels and/or particulate and chemical pollution of the air from open fires and use of improper fuels.
- (c) Negative public health impacts occasioned by a lack of proper sanitary facilities creating a situation where campers have commonly and openly urinated and defecated on public property and on the public right of ways and lack of solid waste disposal facilities causing the accumulation of litter, garbage and other debris.
- (d) Negative impacts on public property occasioned by interference with the intended use of public property and/or right of ways by members of the community at large and the degradation of the aesthetic value of the public property and/or right of ways based upon the prohibited activities.

Any enforcement of this policy will be under supervisory authority. Any enforcement of this policy will occur with the understanding and awareness of the homeless issues.

The supervisor will insure that appropriate agencies are notified for clean up and/or mitigation of health and safety conditions.

Foot Pursuit Policy

456.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the suspect or the public.

456.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the suspect or the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

456.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area
- Canine search
- Saturation of the area with patrol personnel
- Aerial support
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

456.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

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- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his or her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with Combined Communications Center or with backup officers.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

456.4 RESPONSIBILITIES IN FOOT PURSUITS

456.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

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- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Reason for the foot pursuit.
- (e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Combined Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

456.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

456.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public unreasonably appears to outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

456.4.4 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Ensure that a field supervisor is notified of the pursuit.

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- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as directed by a supervisor.
- (f) Coordinate response of additional resources to assist with the foot pursuit.

456.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Automated License Plate Readers

462.1 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 Spokane Police Department to convert data associated with vehicle license plates and use it for official law enforcement purposes including 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.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment shall be managed by Law Enforcement Information Systems (LEIS). LEIS will assign a technician to administer the day-to-day operation of the ALPR equipment and data. The ALPR technician will monitor the ALPR server each shift to ensure the stolen auto hot list is downloaded from the Washington State Patrol server on a regular basis and that ALPR operators field data is being uploaded and stored properly. ALPR data retention and access will be managed by the Investigative Division who will assign a first line supervisor to this function.

462.3 ALPR OPERATION

Use of 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) ALPR shall only be used for official and legitimate law enforcement business.
- (b) ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using ALPR.
- (c) While ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas surrounding 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.
- (d) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department approved training.
- (e) All ALPR operators must have successfully completed approved A Central Computerized Enforcement Service System (ACCESS) training prior to operating ALPR equipment or accessing ALPR data.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Spokane 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.

Collection and retention of ALPR data is subject to the following guidelines:

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Automated License Plate Readers

- (a) Files will be transferred from field units to department servers in accordance with current Spokane Police Department file storage procedures.
- (b) All ALPR data captured during a shift should be transferred to the department server before the end of each shift. Once transferred all ALPR data should be immediately purged from the mobile workstation.

All ALPR data downloaded to the server shall be stored according to the Washington State Law Enforcement Records Retention Schedule, and thereafter should 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 those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Spokane Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All requests for access to stored ALPR data shall be logged and a stated purpose for access must be provided.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting who accesses the 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 relate to a specific criminal investigation or 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.

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Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. 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 Spokane Police Department. 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.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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.

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Traffic Function and Responsibility

- (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 PHYSICAL ARREST

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in the officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention for any offense listed in RCW 46.63.020 may expand to a physical arrest under the following circumstances:

- (a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer's presence.
- (b) When the offense is one or more of the violations listed in RCW 10.31.100(3).
- (c) Felony hit-and-run.
- (d) Any other misdemeanor at the discretion of the officer, such as reckless driving.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his/her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

500.5 HIGH-VISIBILITY VESTS

The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. High-visibility vests shall be worn during traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigative vehicles may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

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Traffic Function and Responsibility

500.5.2 GUIDELINES FOR USE OF REFLECTORIZED VESTS

It is intended that reflectorized vests be worn at any time an officer anticipates prolonged exposure to the hazards of approaching traffic created by assignment to duties such as traffic control and accident investigation. Officers may use their discretion regarding the wearing of vests during daylight hours. Use is strongly encouraged while directing traffic during hours of darkness or when visibility is limited due to inclement weather conditions. Vests maintained in the investigation units may be used any time a plain-clothes officer might benefit from being easily identified as a police officer. Use of the vests shall also be mandatory when a supervising officer directs their use to be appropriate.

500.6 HAZARDOUS ROAD CONDITIONS

The Spokane Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 SPEED MEASURING DEVICES

Prior to operating a speed measuring device, the officer must have successfully completed the Washington State Criminal Justice Training Commission basic training.

Operators shall test and calibrate the equipment in accordance with training.

Unless each and every test result is within the tolerance level set forth by the manufacturer, the equipment will be taken out of service and repaired by authorized personnel.

500.8 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the Traffic Lieutenant to establish a report form and a procedure for school crossing guards to report speed violations to the Spokane Police Department. The reporting forms may be made available to adult school crossing guards and to school administrative offices (RCW 46.61.275(1)). The report form should include the following:

- (a) Date, time and location of the violation
- (b) Vehicle license plate number and state
- (c) Vehicle description
- (d) Description of the vehicle operator
- (e) Description of the incident
- (f) Contact information of the school crossing guard
- (g) The signature of the school crossing guard who witnessed the offense, attesting to the accuracy of the report

Reports must be submitted to the Spokane Police Department no more than 72 hours after the alleged violation occurred (RCW 46.61.275(1)).

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Spokane Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the Records Division for processing.

502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING DEPARTMENT VEHICLES

If an employee is involved in a motor vehicle collision and any of the following aspects of the collision are present, a Washington State Police Collision Report shall be completed.

- There are any injuries; or,
- There is property damage to anything other than a Spokane Police vehicle; or,
- There is property damage to the police vehicle of \$700.00 or more.

If an employee is involved in a motor vehicle collision which results in no injuries, no damage to property other than the Spokane Police Vehicle, and the damage to the police vehicle is less than \$700.00, and then a Spokane Police/Sheriff Uniform Incident Report may be completed. The incident report shall be classified as property damage.

- (a) Non-injury collisions involving department vehicles shall be investigated by a non-involved responding officer. A supervisor will respond to the scene.
 1. City Risk Management shall be notified by the on-scene supervisor.
 2. Enforcement action will be determined by the Traffic Lieutenant upon review of the investigative file. Infractions and/or citations will be issued through the Traffic Office.
 3. Supervisors are responsible for completing a separate Supervisory Collision Review Report and Recommendation Form for submission.
- (b) Injury and fatality collisions involving department vehicles will be investigated as determined by the Major Crimes Lieutenant in consultation with the DSO. Responding

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Traffic Collision Reporting

officers shall secure the collision scene and request the shift commander to respond to the scene.

1. The shift commander will ensure proper notification has been made to the Major Crimes Lieutenant, the City Risk Management representative and the Duty Staff Officer (DSO).
2. Enforcement action for injury and fatal collisions will be determined by the Major Crimes Lieutenant.
3. The City of Spokane Risk Management investigator will coordinate with the Spokane Police investigator prior to commencing their investigation. Spokane Police investigators, during the course of the investigation, will keep Risk Management apprised of the status of the investigation.
4. The Fatal Incident Protocol will be invoked for serious and fatality collisions.
5. Completed investigative files will be submitted to Internal Affairs. Internal Affairs will forward the file to the ARP for review and recommendations.

Risk Management contact numbers (for internal use only):

- Primary contact: Debra Eubanks 208-446-4211
- Secondary contact: Pam Schroeder 509-481-0462

Do not provide the above Risk Management contact information to citizens. **The ONLY number that should be given to citizens is 509-625-6826 or 509-625-6824.**

502.3.2 SERIOUS/FATAL TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department is either on-duty and/or driving a City of Spokane vehicle within the jurisdiction of the Spokane Police Department and is involved in a traffic collision resulting in a serious injury or fatality, the Fatal Incident Protocol will be invoked.

When an employee of this department is off-duty and the collision is within the jurisdiction of the Spokane Police Department resulting in a serious injury or fatality, the Shift Commander, shall notify the Duty Staff Officer to determine appropriate investigative protocol.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS

- (a) Non-injury collisions involving City of Spokane vehicles shall be investigated by the responding officer. A supervisor will respond to the scene.
 1. City Risk Management shall be notified by the on-scene supervisor.
 2. Enforcement action will be determined by the Traffic Lieutenant upon review of the investigative file. Infractions and/or citations will be issued through the Traffic Office.
- (b) Injury and fatality collisions involving City of Spokane vehicles will be investigated as determined by the Major Crimes Lieutenant. Responding officers shall secure the collision scene and request the shift commander to respond to the scene.
 1. The shift commander will ensure proper notification has been made to the Major Crimes Lieutenant, the City Risk Management representative and the Duty Staff Officer (DSO).

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Traffic Collision Reporting

2. The DSO will notify the employee's department head.
3. Enforcement action for injury and fatal collisions will be determined by the Major Crimes Lieutenant.
4. The City of Spokane Risk Management investigator will coordinate with the Spokane Police investigator prior to commencing their investigation. Spokane Police investigators, during the course of the investigation, will keep Risk Management apprised of the status of the investigation.

Risk Management contact numbers (for internal use only):

- Primary contact: Debra Eubanks 208-446-4211
- Secondary contact: Pam Schroeder 509-481-0462

Do not provide the above Risk Management contact information to citizens. **The ONLY number that should be given to citizens is 509-625-6826 or 509-625-6824.**

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless:

- There is a death or injury to any person involved.
- There is a DUI involved.
- There is a hit and run violation.
- Reckless driving.
- There is a felony involved.
- Negligent driving is involved.
- Directed by any supervisor.

502.4 TRAFFIC UNIT RESPONSE

In the event of a fatality or potential fatality, or an unusual or complicated collision scene, appropriate Traffic Unit Collision Investigators may be called out by the Shift Commander with notification to the Duty Staff Officer.

Vehicle Towing/Impound/Search Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Spokane Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees towing or impounding a vehicle are as follows.

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the police dispatcher. When there is no preferred company requested, or the driver is incapacitated or unavailable, a tow company will be selected from the rotational list of towing companies utilized by the Combined Communications Center.

If the owner is incapacitated, unavailable, or for any reason it is necessary for the department to remove a vehicle from the public right-of-way to a place of safety, the officer will complete a Uniform Washington State Tow/Impound and Inventory Record form.

510.2.2 DRIVING A NON-CITY VEHICLE

Generally, non-city vehicles should not be driven by police personnel unless it is necessary to move a vehicle a short distance, or for exigent circumstances.

510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher will verify with the officer making the request what type of impound/tow this is and 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 tow company in rotation from the list of approved towing companies.

510.3 TOWING SERVICES

The Spokane Police Department maintains a rotational list of tow companies who enter into a mutual agreement with the department. These tow companies must be licensed by DOL pursuant to RCW Chapter 46 and WAC Titles 204 and 308.

Nothing in this policy shall require the department to tow a vehicle.

510.4 TOWING/IMPOUNDING A VEHICLE FOR LAW ENFORCEMENT PURPOSES

Officers towing/impounding vehicles will adhere to the following:

- (a) Complete a Uniform Washington State Tow/Impound and Inventory Record form.

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Vehicle Towing/Impound/Search Policy

1. List the reason for the impound and the location the vehicle is being towed to in the narrative section of the form.
 - (b) Verify and record the VIN number from the vehicle on the form.
 - (c) When the impound is for evidence, advise the Combined Communications Center that the tow is for evidence.
 - (d) When a vehicle is being towed for seizure under RCW 69.50 or other applicable seizure/forfeiture laws, the vehicle should be moved to the appropriate evidence storage facility.
 - (e) A vehicle may be towed when abandoned on a public right-of-way and deemed to be an obstruction to vehicle or pedestrian traffic in accordance with SMC 16.55 and 16.61.
 - (f) When the driver of a vehicle is arrested for a violation of DWLS/R, the arresting officer may, after considering reasonable alternatives, cause the vehicle to be impounded. DUI is a mandatory impound.
 - (g) When a city vehicle is to be towed (SPD Tow), the officer will request an SPD tow off of the list.

510.5 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. Should an item of evidentiary value be found, stop inventory and obtain a search warrant.

Members conducting a vehicle inventory should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the department against fraudulent claims of lost, stolen, or damaged property.

510.6 VEHICLE SEARCHES

A search warrant should be obtained prior to conducting the search of a vehicle except in very limited circumstances as enumerated below:

- (a) With valid consent of the operator
- (b) To make a limited search for weapons when a reasonable suspicion exists that a suspect is dangerous and the suspect may gain immediate control of a weapon
- (c) Under emergency circumstances not otherwise enumerated above

Warrantless searches of vehicles are subject to numerous other restrictions under specific conditions. Officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

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Vehicle Towing/Impound/Search Policy

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.8 TOWING OF HULK VEHICLES

Hulk vehicles should be towed by the Abandoned Auto personnel during work hours. They should only be towed by patrol officers in emergency situations, i.e., blocking the roadway.

Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to collect evidence to establish the blood alcohol and/or drug levels of drivers arrested for:

- DUI (Driving Under the Influence of alcohol or any drug), (RCW 46.61.502) or
- physical control of a motor vehicle while under the influence of alcohol or any drug), (RCW 46.62.504, or
- vehicular homicide, (RCW 46.61.520 or
- vehicular assault RCW 46.61.522.

It shall also apply to DUI arrests involving:

- a collision that results in serious bodily injury to another, and
- unconscious drivers, and
- unconscious pedestrians involved in traffic collisions because of their intoxicated state.

514.2 CHEMICAL TESTING

Except where otherwise allowed by statute, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308(3)). Whenever an officer has reasonable grounds to believe the person is under the influence of a drug, a blood test shall be administered by qualified personnel as listed below (RCW 46.20.308(2)).

514.2.1 TESTING OF CONSCIOUS SUSPECT

Whenever a suspect is being treated by medical personnel and/or is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitations, a blood test shall be administered by qualified personnel.

Based on probable cause, the officer should place the suspect under arrest in the presence of medical personnel, and advise the attending health care provider of the intention to administer a chemical test to the suspect. Unless the health care provider objects for medical reasons, the blood sample will be collected in the prescribed manner (RCW 46.20.308(2)).

514.2.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

When there is probable cause to believe an unconscious driver is under the influence of alcohol or any drug, there is no method of informing the individual they are under arrest. The driver is also incapable of giving consent to allow chemical tests to determine his/her blood alcohol/drug level. This presents an exigent situation, which excuses the requirement of consent. However, an officer is still required to read to the driver the Special Evidence Warning as found in the WSP DUI packet. The officer shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner (RCW 46.20.308(3)).

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Impaired Driving and Evidence Collection

514.2.3 EMERGENCY DOCTRINE

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual §§ 514.2.2 and 514.2.3 of this chapter come within the guidelines of the emergency doctrine.

514.2.4 COLLECTING BLOOD EVIDENCE

Only a physician, a registered nurse, a licensed practical nurse, a nursing assistant, a physician assistant, a first responder or an emergency medical technician as defined in RCW Chapter 18.73, a health care assistant as defined in RCW Chapter 18.135, any technician (licensed phlebotomist) trained in withdrawing blood may withdraw a legal blood sample. Whether such evidence is collected at the scene, hospital, or the department, the withdrawal of the blood sample shall be witnessed by the assigned officer (RCW 46.61.506(5)).

Blood samples will be collected in Washington State Toxicology Lab approved vials. The officer providing the vials to the person collecting the legal blood sample shall ensure they are not expired, and they have white powdered anticoagulant in each of them. The sample shall then be placed in the Property and Evidence Facility as evidence according to department policy.

If an officer has reasonable grounds to believe that a driver is under the influence of drugs, a blood test shall be administered by a qualified person, (RCW 46.61.506 (5)), the driver shall be advised of their right to refuse per the Implied Consent (RCW 46.20.308 (2)).

514.2.5 FORCED WITHDRAWAL OF BLOOD

Forced Legal Blood Samples may only be obtained from a suspect who is under arrest for the following:

- Vehicular Homicide (RCW 46.61.520), or
- Vehicular Assault (RCW 46.61.522), or
- DUI (RCW 46.61.502) involving a collision that has caused serious bodily injury to another person, or
- DUI (RCW 46.61.502) where the suspect is currently unconscious. Only reasonable force may be used to restrain the arrestee.

The blood must be collected in a medically approved manner. Prior to a forced legal blood draw the officer shall read to the suspect (whether or not they are conscious) their Constitutional Rights and the Special Evidence Warning as found in the Washington State Patrol (WSP) DUI Packet. Only reasonable force may be used to restrain the suspect during the forced legal blood draw procedure.

A supervisor shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor. The supervisor will ensure only force which is reasonable and necessary to overcome the resistance to the blood draw is permitted.

A Collision Investigator assigned to the SPD Major Crimes Unit shall collect the legal blood sample from the Police Property and Evidence Facility, inspect and package it, and mail it to the WSP Toxicology Laboratory for testing.

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Impaired Driving and Evidence Collection

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician, he/she shall not be required to take a blood test.

Nothing in this policy is intended to prevent the withdrawal of blood based on a valid search warrant.

514.2.6 COLLECTING BREATH AS EVIDENCE

If the arrested person agrees to submit to a breath test and it can be accomplished without undue delay, within at least two hours of suspect driving, the arrested person shall normally first be transported to the Public Safety Building B.A.C. room for the collection of breath samples. At the B.A.C. room, an officer trained in the use of the alcohol breath instrument will record the blood alcohol concentration by obtaining samples of the suspect's breath in accordance with RCW 46.61.506.

514.2.7 DRUG RECOGNITION EXPERT

A Drug Recognition Expert (DRE) should be utilized if an officer has reasonable grounds to suspect a driver is under the influence of drugs. Every attempt to contact an on-duty DRE should be made.

The officer should conduct standardized field sobriety tests (SFST's), use a portable breath test (PBT) device or datamaster/BAC instrument, and place the subject under arrest. If the driver/suspect is over a .08 BAC, process as a regular DUI. If under a .08 or no BRAC, have the Combined Communications Center contact a DRE. If no DRE is available, read the Implied Consent Warning for Blood and process accordingly.

A DRE should be called to the scene of every serious injury or fatal injury collision. If SPD does not have a DRE on shift, contact WSP Dispatch to see if any DRE's are on shift in the surrounding area. If there are no DRE's on duty, call out an SPD DRE.

Note - Refer to Patrol SOP 230

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic infractions and citations, the procedure for dismissal and voiding of traffic citations.

516.2 RESPONSIBILITIES

The administrative sergeant shall work with court personnel for the development and design of all department traffic citations in compliance with state law and administrative regulations.

The Front Desk officer shall be responsible for maintaining a supply of notice of infraction and citation books.

The Records Division shall be responsible for the accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the employee's supervisor. If the employee's supervisor approves the request for the infraction to be dropped, the citation or request will be forwarded to the City Prosecutor's office with a request for dismissal along with the explanation.

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 an incident report explaining the circumstances. The citation dismissal shall then be forwarded to the Patrol Bureau Commander for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. "VOID" shall be written across the NOI / Citation and signed by the officer the citation was issued to. All copies of the citation shall be turned into the Records Division for accounting purposes.

516.5 AMENDING TRAFFIC INFRACTIONS/CITATIONS

When a infraction/traffic citation is issued and in need of correction or amendment, the officer shall submit an informational police report outlining the circumstances of the enforcement action taken, the need for correction or amendment to the original enforcement action and the requested or recommend new charge. The report shall be submitted through the Police Records Division with a request to be forwarded to the City Prosecutor.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic infractions/citations issued by members of this department shall be filed with the Records Division.

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Traffic Citations

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused infractions/citations to the Records Division.

516.7 JUVENILE INFRACTIONS/CITATIONS

Juveniles 16 years and older may be issued traffic infractions and citations in the normal manner. Juveniles under the age of 16 require a referral through the Juvenile Court system for traffic infractions or citations.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. If available, the dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

If the motorist calls for assistance and the department is unable to dispatch an officer due to availability, the dispatcher should attempt to contact the motorist by phone. If they do not have a preference, the dispatcher can call a tow company off of the rotational list and advise the wrecker that it's by request, give the description of the vehicle, and advise that there is not an officer on scene.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. Officers changing a vehicle tire and the use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

Unauthorized 12-Hour Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 12-hour time limitations.

524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a roadway after being left unattended for 12 hours shall be marked and noted in the incident report. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the roadside front and rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. A comment can be made in the incident history advising of any deviation.

If a marked vehicle has been moved or the markings have been removed during a 12-hour investigation period, the vehicle shall be re-marked for another 12-hour period.

524.2.1 MARKED VEHICLE

If a marked vehicle has current license plates, the officer shall check the records to learn the identity of the last owner of record. The officer shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

524.2.2 VEHICLE IMPOUND

An officer may impound any vehicle not removed 24 hours after marking (RCW 46.55.085(3)). The dispatcher shall re-open the original CAD incident and start a tow off of the abandoned vehicle rotation list.

The officer authorizing the impound of the vehicle shall complete a Uniform Washington State Tow/Impound and Inventory Record form. Ensure that the justification for the impound is written in the narrative. The completed form shall be submitted to the Records Division immediately following the impound of the vehicle (RCW 46.55.075(2)).

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Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Officers are authorized, within the scope of their employment, to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Attorney's Office only as authorized by a Bureau Commander or the Chief of Police.

600.3 CONSTITUTIONAL MATTERS

All employees of the Spokane Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.5 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts

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are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Asset Forfeiture Policy

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances (RCW 60.50.505) and felony crimes (RCW 10.105.010, RCW 9A.83.030). This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY (RCW 69.50.505)

The seizure and forfeiture of any currency, real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the law provided the offense(s) involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain criminal violations is permitted (RCW 69.50.505).

Any officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to law.

606.2.1 SPECIAL GUIDELINES APPLICABLE TO CONVEYANCES

Special guidelines apply regarding the forfeiture of conveyances (aircraft, vehicles and vessels) in order for it to be seized as a conveyance that has been used to facilitate narcotic activity. All conveyances are subject to seizure and forfeiture, except (RCW 69.50.505(1)(d)):

- When the conveyance is used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of the narcotics violations.
- When violations have been committed or omitted without the owner's actual knowledge or consent.
- When the conveyance is used in the receipt of an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014.
- When the conveyance is secured by a loan and the lender had no knowledge of, nor consented to, the act or omission.
- When the owner of a conveyance has been arrested for narcotics violations, the conveyance in which the person was arrested is not subject to forfeiture unless it is either seized or a court order has been issued for its seizure within 10 days of the owner's arrest.

606.3 ASSET FORFEITURE PROCEDURE

The Special Investigative Unit will be the guiding authority in the area of drug seizures. Before seizing any currency, vehicle or personal property pursuant to RCW 69.50.505, a patrol officer shall contact a member of the Special Investigative Unit (SIU) for guidance. The following guidelines will be observed:

- (a) A member of the Special Investigative Unit will be responsible for the service to all persons the Notice of Seizure and Forfeiture document which includes seized

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property inventory, specific information reference time limits, claim procedures and contact information to include the case detective. When someone has made notification other than the SIU detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the asset forfeiture detective in SIU, for review.

- (b) If the seizure was conducted by a patrol officer, copies of all reports and applicable documents will be forwarded to SIU.
- (c) Officers will interview all persons involved concerning their possession of the seized assets. SIU detectives may conduct further criminal interviews as necessary.
- (d) SIU detectives will determine all lien holders or persons who may have legal interest in the seized currency, vehicle or property for further contact, investigation or notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding administered by the Spokane Police Department.

606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into the Property and Evidence Facility. The property will be checked into the Property and Evidence Facility through the BEAST System.

The Property will be booked as evidence. A copy of the seizure letter will be provided to the Property and Evidence Facility as a reference to the property being stored in the facility.

606.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing member and at least one other member. The currency will be placed in an appropriate money container with the amount of the currency documented. Both members will initial the package indicating that they have verified the amount of money in the container. After the currency is placed as evidence in the Property and Evidence Facility, Property personnel will adhere to their own unit specific guidelines dealing with the counting, packaging and storing currency. The currency, as with all other items, will be placed as evidence in the Property and Evidence Facility and held pending the outcome of the criminal case or civil forfeiture process, where appropriate.

606.3.3 SEIZED VEHICLES

The Special Investigative Unit will be the guiding authority in this area of drug seizures as well. Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. If the vehicle cannot be driven or circumstances do not allow the vehicle to be driven, a tow truck will be contacted and used to take the vehicle to the storage facility.

606.4 ASSET FORFEITURE LOG

A written or computerized inventory of all asset forfeiture cases shall be kept in SIU. The inventory record shall include the following:

- Case number.
- Seizure number.
- Date of seizure.
- Inventory of items seized.
- Person(s) involved.

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- Status of property (if applicable).

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

606.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits where appropriate.

606.6 ASSET SEIZURE AUTHORITY (RCW 10.105.010, RCW 9A.83.030)

The seizure and forfeiture of any personal property which represents proceeds or was used to facilitate the commission of any felony crime is permitted. No property may be forfeited under this statute until after there has been a superior court conviction of the owner of the property. The felony conviction does not have to be the original crime the owner was charged with, but there has to be a nexus between the property seized and the ultimate felony conviction.

606.7 ASSET FORFEITURE PROCEDURE

The Major Crimes Unit commander will be the guiding authority in the area of felony forfeiture seizures. Before seizing any currency, vehicle, or personal property pursuant to RCW 10.105.010 and RCW 9A.83.030, an officer shall contact the Major Crimes Unit commander for guidance. The following guidelines will be observed:

- If it is a patrol seizure and the property seized is a vehicle, it will be taken to the Major Crimes Unit storage facility. Other personal property will be placed on the property book. The seizing officer in his/her report, will state what property was seized and which felony seizure statute was used to seize that property.
- The detective receiving the case will contact the Major Crimes Unit commander who will then start the seizure/forfeiture process.
- All monies obtained through felony seizures will be forwarded to the SPD finance department.
- A record of all seizures and monies collected will be kept by the Major Crimes Unit commander.
- The Major Crimes Unit commander will be responsible for reporting to the state treasurer the seizures that occurred in the previous calendar year by January 31 of the current year. The Major Crimes Unit commander will ensure that all taxes are paid to the state regarding the seizure of property.

Cooperative Individuals

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of informants/sources. To protect the integrity of the Spokane Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.1.1 DEFINITIONS

Cooperative Individual(s) (CI): A person with criminal associations who furnishes information regarding criminal activity and/or conducts controlled buy or controlled reverse operations under the direction of law enforcement. A CI may be assisting law enforcement for consideration on pending criminal charges or for monetary compensation.

Confidential Source (CS): A citizen that provides information to assist law enforcement with a current investigation but wishes to remain anonymous due to fear of retaliation related to their assistance with law enforcement. This person is generally not associated with criminal behavior/activity. An example of a CS would be the concerned neighbor to a neighborhood drug house, or the utility company employee that informs law enforcement of unusual power consumption consistent with illegal activity.

Control Officer: The officer/detective responsible for the development and use of a Cooperative Individual.

608.2 INFORMANT FILE SYSTEM

The Special Investigative Unit sergeants shall be responsible for the storage of the Cooperative Individual (CI) files. The control officer shall be responsible for maintaining the file. A separate file shall be maintained on each Cooperative Individual. All departmental units to include SIU, Gang Enforcement Team, Targeted Crimes Unit, Investigative Units, Patrol, and other individual units or officers, will immediately forward copies of CI Agreement forms to SIU for tracking and de-confliction purposes. CI Agreement forms are available and will be provided to all departmental units by SIU; no other forms shall be used for this purpose.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned CI control number. A CI history shall be prepared to correspond to each CI file and include the following information:

- (a) CI's name, date of birth and aliases.
- (b) Home address and phone numbers.
- (c) Employer information, position(s) and phone numbers.
- (d) CI's Washington State Criminal History record and local RMS arrest record.
- (e) Recent photo of CI.
- (f) Signed Cooperative Individual Agreement.
- (g) SIU CI log (for tracking payments to CI).
- (h) Name of control officer.

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- (i) Termination information (if the CI is no longer considered credible/reliable)

The informant files shall be maintained in a secure area within the Special Investigation Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the cooperative individual.

Access to the CI files shall be restricted to the Chief of Police, a Bureau Commander and members of the Special Investigative Unit.

608.3 USE OF INFORMANTS

Before using an individual as a Cooperative Individual, the control officer must receive supervisor approval. The control officer shall compile the necessary information for the CI file. The control officer will be responsible for having the CI sign the CI Agreement form and for checking the CI through Western States Intelligence Network (1-888-388-3784) to ensure that the CI has not previously been found unreliable by law enforcement. If at any time a CI is found to be unreliable/not credible, the control officer shall notify Western States Intelligence Network as to the CI's credibility/reliability.

Officers shall notify his/her immediate supervisor when a Confidential Source is being developed or has been utilized.

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited.

For purposes of this policy, a juvenile informant means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile. Use of juvenile informants should be an exceptional investigative technique, and requires both the approval of a Bureau Commander and the consent of the juvenile's parent or guardian.

608.4 GUIDELINES FOR HANDLING COOPERATIVE INDIVIDUALS

All cooperative Individuals are required to sign and abide by the provisions of the Cooperative Individual Agreement. The control officer shall discuss the provisions of the agreement with the CI and explain to the CI the department's operating procedures for CI's, as provided by SIU. Any deviation from the Cooperative Individual Agreement or operating procedures must be approved by a supervisor.

608.4.1 RELATIONSHIPS WITH COOPERATIVE INDIVIDUALS AND CONFIDENTIAL SOURCES

No member of the Spokane Police Department shall knowingly maintain a social relationship with a cooperative individual while on or off- duty, or otherwise become intimately involved with a cooperative individual. Members of the Spokane Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a cooperative individual.

To maintain officer/CI or CS integrity, the following must be adhered to:

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- (a) Officers shall not withhold the identity of a CI or CS from their superiors.
- (b) Identities of CI's shall otherwise be kept confidential.
- (c) No promise of anonymity will be made to the CI or to a CS.
- (d) Criminal activity by CI's or CS's shall not be condoned.
- (e) A CI/CS working under the direction of a member of the SPD shall be told they are not acting as police officers, employees or agents of the Spokane Police Department, and that they shall not represent themselves as such.
- (f) The relationship between officers and CI's or CS's shall always be ethical and professional.
- (g) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the unit supervisor.
- (h) Officers shall not meet with CI's alone. At least two officers shall be present for all meetings with CI's. Officers acting in an undercover capacity may be alone with a CI during an operation, but only as part of a supervisor approved operation. A CS may be contacted alone, however, every effort shall be made to document such contact, i.e. CAD entry, log book or FI, or shall notify a supervisor prior to or immediately after the contact.
- (i) When providing payment to CI's, two officers shall be present and witness the payment of funds. A voucher shall be completed to include itemizing all expenses.

608.5 NARCOTICS PAYMENT PROCEDURES

The potential payment of large sums of money to any cooperative individual/source must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any CI will be evaluated against, but not limited to, the following criteria:

- The extent of the CI's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The CI's previous criminal activity.
- The level of risk taken by the CI.

A department sergeant will discuss the above factors with the Unit Commander or in his/her absence, the Bureau Commander, and arrive at a recommended level of payment for approval.

608.5.2 PAYMENT PROCESS

All payment to CI's or CS's shall be made in the presence of two officers. A voucher shall be completed containing the CI control number, the case number (if applicable) and the control officer's name. Payments of \$500 and under can be made in cash and the CI will be required to sign the copy of the voucher certifying receipt of the payment. A Bureau Commander must approve payment above \$500 and shall approve the manner of the payment (cash or department check). The control officer shall record the payment on the SIU CI log maintained in the CI's file. This record shall include the date of payment,

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incident number, voucher number, nature of the investigation, if any arrest was made, and the amount paid.

608.5.3 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use. If the property was originally purchased with grant funds, the SPD grant coordinator shall also be notified.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor.

A claim for any loss may be submitted following the completion of a property damage report or miscellaneous report. The claim form and incident report are to be submitted to the immediate supervisor within five working days. (Exceptions may be made in the case of an emergency.) The claim form will include the following:

- Incident number
- Date, time and place of the loss
- Nature of the loss
 - Item
 - Age of item
 - Original value of item

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- Estimated value of loss
- Activity engaged in at time of loss

The supervisor shall direct the report to the appropriate Bureau Commander, which shall include a memo with the results of his/her investigation and whether the employee followed proper procedures. The supervisor's memo shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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.

700.3.2 GUIDELINES AND REGULATIONS GOVERNING CLAIMS

Generally, only losses incurred during the performance of police activity/duty shall be eligible for payment.

- (a) Physical evidence of loss must be presented when possible.
- (b) Money, billfolds and contents will not generally be considered for reimbursement.
- (c) Remaining useful life of apparel, other than issued uniforms, will be based upon a 12-month total useful life (includes gloves).
- (d) The following personal property will be eligible for replacement or repair as determined by the member's bargaining unit president or designee and the office of the Chief:
 1. Prescription eye-wear up to two hundred dollars (\$200).
 2. Non-prescription sunglasses up to fifty dollars (\$50).
 3. Watches up to fifty dollars (\$50).
 4. Cell phones up to fifty dollars (\$50) based on a five-year life. Cell phones will be replaced on a case-by-case basis.
 5. Jewelry will not be replaced.
 6. Approved back-up firearms that are carried on duty will be replaced after the value has been determined and the member's bargaining unit president or designee and the office of the Chief review circumstances of the claim.
 7. Knives/multi-tool implements up to fifty dollars (\$50).
 8. Equipment bag/briefcase up to fifty dollars (\$50).
- (e) The member's bargaining unit president or designee and the office of the Chief will decide any other claims on a case-by-case basis.

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

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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 Bureau Commander.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of departmentally issued mobile phones and personal communication devices, and the on-duty use of such devices personally owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices (PCDs) as such, but is intended to include all mobile phones, PDAs, and other such wireless two way communication and/or portable internet access devices.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

702.2 DEPARTMENTALLY ISSUED PCD

Depending on an employee's assignment and needs of the position, the department may, at its discretion, issue a personal communication device (PCD). Such devices shall remain the sole property of the department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

- (a) Carrying an individually owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs should be used by officers to effectively communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

PCDs may not be used to conduct personal business while on duty except when brief personal calls may be warranted by the circumstances (e.g. inform family of extended hours). While employee's may use individually owned PCDs for personal business, such usage should be limited as much as practical.

While the use of departmentally issued PCDs is limited to official business only, it is recognized that circumstances may occasionally warrant brief personal communications on such devices (e.g. inform family of extended hours). Extended or excessive use of

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departmentally issued PCDs or personally owned PCDs while on duty for personal use may be subject to discipline and employees may be responsible for reimbursing the department for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (RCW 46.61.667).

Except in the case of an emergency employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business related calls or calls of an urgent nature.

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. A yellow plastic out-of-service bag will be placed on the outside spotlight after the vehicle is parked to indicate repairs are needed. A voice, email or MDD message will be sent to the SPD Equipment Servicer stating the nature of the problems and where the vehicle is parked. No officer will use any vehicle with a yellow plastic out-of-service bag on it.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Two traffic control vests
- 1 roll barricade tape
- 1 first aid kit
- Traffic cones
- 1 fire extinguisher
- Blanket
- Sharps container
- Riot control helmet
- Personal protective equipment per § 1016 and § 1024

704.3.2 DETECTIVE AND ADMINISTRATIVE VEHICLES

An employee driving unmarked department vehicles should ensure that the minimum following equipment is present in the vehicle:

- Traffic control vest
- Emergency road flares
- 1 First aid kit
- Spare tire for vehicles taken out of city limits
- 1 Fire extinguisher
- Personal protective equipment per § 1016 and § 1024

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Vehicle Maintenance

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at authorized locations.

Officers should check the oil level every time their vehicle is filled with gasoline.

704.5 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, and shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter. Generally, cars will be cleaned on the wash-rack at the Public Safety Building.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees and police volunteers using marked vehicles shall ensure all weapons are removed from vehicles before going into service.

Vehicle Use Policy

706.1 PURPOSE AND SCOPE

The department utilizes city owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure city owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "city owned" as used in this section also refers to any vehicle leased or rented by the city.

706.2 USE OF VEHICLES

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the MDD inputting the required information when Going on duty. If the vehicle is not equipped with a MDD, they shall notify the Combined Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift.

Uniform officer's when logging on shall note in the CAD remarks section that the vehicle was inspected. If there is new damage or equipment problems, they shall be specifically noted along with the name of the supervisor and time of notification. Examples are noted below:

- INSPECTED-OK
- INSPECTED-DAMAGED RIGHT REAR FENDER. SGT. SMITH @1220

Supervisors shall ensure that all cases of vehicle damage and equipment problems are properly documented, including photos when appropriate. It shall also be the supervisor's responsibility to see that all information regarding damage, mechanical concerns, and missing equipment is forwarded to the auto servicer.

Supervisors shall audit the CAD remarks section of assigned officers on a regular basis.

706.2.2 INDIVIDUALLY ASSIGNED VEHICLES

Personnel may be individually assigned vehicles based upon their assignment and upon approval of the Chief of Police. Generally, these employees have after hours on-call responsibilities and may take the vehicle home during off-duty hours. The following parameters will be considered for take home vehicle assignments.

- (a) Employees shall reside within the State of Washington and within 30 driving miles (one direction) of the Public Safety Building.
- (b) Vehicles may be used for personal use when such use is incidental to official use.
- (c) Assigned vehicles will not be used as transportation to or at an extra-duty work site without authorization from the Special Events Office.

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- (d) Employees that are actively on-call shall have the assigned vehicle readily available for immediate response and will be within 30 driving miles (one direction) of the Public Safety Building. Under these circumstances the employee may use the vehicle for limited personal use.
- (e) Duty staff officers have continuous on-call responsibilities and therefore have greater latitude in the use of the assigned vehicle, as specified by the Chief of Police.
- (f) Employees shall arrange for off street parking of assigned vehicles, and all equipment within the vehicle will be appropriately secured when parked at the employee's residence. Vehicles shall be parked within a building if the vehicle contains a department firearm, or the department firearm will be removed from the vehicle and secured.
- (g) The issuance of an assigned vehicle may be suspended or revoked for cause.

706.2.3 AUTHORIZED PASSENGERS

Employees may transport civilian passengers in a city vehicle. However, officers are obligated to respond to certain law enforcement events and a civilian passenger may be stranded during this type of situation

Citizen ride-along participants will fill out hold harmless forms before they ride with patrol officers or detectives during a regular duty assignment.

With prior approval from the Chief of Police or designee, civilian passengers may be allowed to accompany employees in a city vehicle to meetings or training locations outside of the Spokane area. It is imperative that the employee receives prior approval, as there may be specific liability attached to the city and the employee, should the vehicle be involved in a collision. Employees attending a school or working out of town may take passengers to meal breaks, hotels and other reasonable locations associated with their assignment.

If an employee has a question about a specific use of a city vehicle, he/she should ask his/her supervisor.

706.2.4 PARKING

City owned vehicles should be parked in their assigned areas. Employees shall not park privately owned vehicles in any stall assigned to a city owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

All employees who receive parking tickets in their city assigned cars are responsible for legally taking care of the ticket. If the ticket was issued during their official duties they may contact their supervisor and ask to have the ticket voided. Their supervisor can contact the administrative sergeant for assistance in voiding tickets issued both on private and public areas.

706.3 VEHICLES SUBJECT TO INSPECTION

Employees shall be responsible for inspecting the interior and exterior of the vehicle before taking the vehicle into service. 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.

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All city owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Spokane Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists, or to assist a law enforcement officer.

Officers driving department vehicles should, when practical, be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.5 MAINTENANCE

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
 - 1. Employees may use the wash racks at the Public Safety Building.
 - 2. Cleaning/maintenance supplies will be provided by the department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- (d) Routine maintenance and oil changes shall be done in accordance with the garage schedule. The vehicles will normally be serviced at the City garage.
- (e) The equipment servicer will be notified of all needed repairs per Vehicle Maintenance Policy Manual § 704.

706.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from their chain-of-command.

706.6 ON DUTY USE OF PRIVATE VEHICLE

Upon approval of the unit commander as designee of the Chief of Police, an employee may use his/her privately owned vehicle for on-duty purposes when the need for a non-police appearing vehicle is needed. The unit commander shall take into consideration the availability of other city owned vehicles, as well as the need to accomplish an operational objective, before approving such use. Employees shall complete the Authorization To Use Privately Owned Vehicle form and submit it to the unit commander for approval. Upon approval, the employee is authorized to use his/her privately owned vehicle for a specific departmental purpose, of a limited time period, to accomplish an operational objective. The unit commander will review the Authorization To Use a Privately Owned Vehicle form. He/she will approve the request based upon the reasonableness of the request and the departmental need to engage in such an operation. Upon completion of the detail, the unit commander will forward a copy of the Authorization To Use Privately Owned Vehicle form, with copies of any incident reports related to such use, to the division/bureau commander. The unit commander may authorize the employee to replace the gasoline used for the detail with gasoline from the city gas pumps.

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Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

The Crime Analysis Unit, consisting of information analysis and information support functions, shall be responsible for the collection, collation, analysis (the proactive identification of specific crime trends), dissemination and feedback evaluation of crime data. The unit shall also make crime analysis information available to operational management as an aid to developing tactics, strategies and long range plans for the agency. The unit, with the approval of the appropriate supervisor, shall also share specific portions of crime analysis information with other authorized law enforcement entities.

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

SPD Communications Team will strive to consistently provide the highest quality service to the citizens while maintaining the utmost level of officer safety through a commitment to excellence, professionalism and integrity with the resources provided.

802.1.1 FCC COMPLIANCE

Spokane Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

This unit has two-way radio capability providing continuous communication between the Combined Communications Center and officers. In addition, phone contact may be provided between officers and the Combined Communications Center, as well as those calls initiated by the Combined Communications Center to citizens.

802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Combined Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Dispatchers shall attempt to enter as much information as possible to enhance the safety of the officer, provide a record of department activities, and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Officer safety information, i.e., weapons, suspects
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition, clearance code, or status of reported incident

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802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer unit designators ("call signs"). Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

Property Procedures

804.1 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.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping, found property, and items confiscated for destruction.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes non-evidentiary property, which is in the custody of the law enforcement agency for temporary protection on behalf of the owner. These items include, but are not limited to:

- Personal property taken from the scene belonging to persons injured who are unable to take immediate possession of their property.
- Property obtained by the department for safekeeping such as a firearm.

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.

Destroy - Includes non-evidentiary items of no monetary value taken into custody that law enforcement wishes to be destroyed. These items include, but are not limited to:

- Fireworks
- Excess alcohol
- Syringes
- Illegal weapons
- Drugs and/or drug paraphernalia

804.3 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 temporary property locker or storage room along with the Evidence Report form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A Property Release form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s). The Property Release form shall be submitted to the Records Division.

RCW 64.21.050 requires law enforcement officers who receive found property from a citizen to advise the finder of the procedure for claiming the property. Law enforcement will advise

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the finder to contact the Property and Evidence Facility for instruction on how to initiate the claim process.

Law enforcement officers will not, under any circumstances, convert to their own use, loan, or give away any item of property coming into their possession in the course of their official duties.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee's end of shift unless otherwise approved by a supervisor. Employees booking property shall observe the Property and Evidence Facility SOP for data entry protocol and evidence booking guidelines. Wear gloves and other personal protective equipment when booking on property and evidence.

Employees are responsible for accurate and complete information as entered on the Evidence Report. Ownership of each item logged must be determined. If no owner is identified, officers have the option to select "no owner."

Property and evidence will be packaged in accordance with the Washington State Patrol Crime Laboratory Physical Evidence Handbook and the Property and Evidence Facility SOP.

All firearms, currency, and high value items must be secured in temporary storage lockers or handed directly to an Evidence Technician.

804.3.2 EXPLOSIVES

Under no circumstance will the Property and Evidence Facility store any kind of explosive.

Class C fireworks or firecrackers taken for evidence will be photographed and placed in the firework destroy locker. If it is necessary to retain the Class C fireworks or firecrackers, log items into BEAST and take directly to the explosives bunker. All other explosive devices, 50 caliber or larger ammunition, and gun powder will be logged into the BEAST system and taken directly to the explosives bunker.

804.3.3 EXCEPTIONAL HANDLING

Certain property items require specific handling. The following items shall be processed in the described manner:

- (a) Firearms - All firearms will be treated as if they were loaded. Clearing barrels are available at the Property and Evidence Facility. All firearms submitted into the Property and Evidence Facility will be unloaded and rendered safe by the booking officer. Specific packaging requirements for firearms are outlined in detail in the Property and Evidence Facility SOP. Strict adherence to the packaging policy is required. All firearms must have the magazine and chambered rounds removed. All firearms will have safety ties threaded through the barrel and magazine port if applicable. Do not remove bullets from any magazine. Upon entry into the Property and Evidence Facility, every firearm will be required to meet the safety and packaging criteria, if not, the booking officer will be contacted to return to the Property and Evidence Facility to fulfill the requirement. The only exception to this policy is a firearm that requires forensic analysis prior to removing the magazine and /or ammunition. These firearms will require specific identification that the firearm is loaded. These firearms will not be received or handled by evidence technicians. The firearm will remain in the temporary locker until a detective/sergeant removes the firearm from the facility.

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- (b) Sexual assault kits - The evidence label can be placed directly on the hospital kit on an area that does not interfere with existing markings or identification. The kits are to be placed in the temporary refrigerator storage during non-business hours. Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (c) Currency - All US currency shall be counted and the value entered into the BEAST system's value field. All currency \$50.00 or more is verified by two evidence technicians and heat sealed prior to storage. Large amounts of coin are not counted or verified. Foreign currency, counterfeit bills, and other banking documents, such as checks, money orders, bonds, etc will not be verified. Record the value of these documents in the item description. .
- (d) Jewelry - High value jewelry must be itemized separately from other evidence items so that they can be stored in the vault.
- (e) Food - Perishable food items are not stored in the Property and Evidence Facility. These items should be photographed and released or logged in for destruction. The only exceptions are items related to homicides or other major crimes. The perishable items will be refrigerated or frozen.
- (f) Alcohol - With the exception of felony and ATF cases, alcohol should be photographed and put directly in the destroy bins. If a representative sample is required, retain one can or bottle for evidence. Sample packaging bottles are also available to empty contents of an open container. Seal all sample bottles.
- (g) Vehicles - Vehicles taken for evidence by Spokane police officers must be entered into the BEAST system. The vehicle must have a label attached and a copy of the Evidence Report delivered to the Property and Evidence Facility.
- (h) Hit-and-run - Hit and run non injury/unattended vehicle parts will be held for 60 days. City or County traffic units must request the vehicle parts be held longer if investigation or court is pending.
- (i) License plates - License plates found not to be stolen or connected with a known crime, should be logged in as safekeeping and the owner identified. Canceled plates are to be photo/photocopied and put in destroy bin. Do not log canceled plates unless needed as evidence.
- (j) Pressurized gas - Compressed gas has been identified as hazardous, and dangerous to store within the Property and Evidence Facility. All compressed canisters should be photographed then taken directly to Oxarc located at 4003 E Broadway, Spokane, WA 99202. The exception will be fire extinguishers, beer kegs, and small canisters of pepper spray, CO2 pistol canisters, and aerosol cans.
- (k) Wet items - Property and evidence items that are wet or damp must be temporary located in the drying room to air dry prior to packaging. The officer will log items into Evidence to initiate chain of custody, generate reports & packaging labels. A drying room card shall be filled out by the booking officer and used in the notification process. Assigned Detectives or unit Sergeants are sent the removal notification after items are dry to remove and package the items.
- (l) Electronic media - All electronic media of evidentiary value including but not limited to video cassette tapes, memory cards or devices, computer disks, cell phones, etc., shall be stored in the Property and Evidence Facility in its original form prior to making any duplicates/copies. All subsequent duplicate copies of the data shall be coordinated by the case manager. The exception to this is digital photography recorded by the officer (see policy § 814.5.2, Computer and Digital Evidence).
- (m) Biohazards-Blood/Urine/Perishable Samples-Styrofoam packaging is available for glass vial(s) if not provided by the hospital of WSP. The evidence label can be

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placed directly on the Styrofoam vial packaging. All other perishable items shall be packaged in a plastic resealable bag and then put into a Brown paper bag. All bodily fluids will have a biohazard label affixed to the packaging. All perishable items are to be placed in the temporary refrigerator storage during non-business hours and directly on the check in counter during business hours.

804.3.4 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 assigned officer, detective or the property and evidence technician to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in § 606.3.

804.4 PACKAGING OF PROPERTY

Booking officers shall package all property in a suitable container available for its size. Certain items require special packaging consideration and require specific packaging.

- (a) Narcotics and dangerous drugs.
- (b) Firearms and ammunition.
- (c) Fireworks.
- (d) Glass
- (e) Large bulk items

804.4.1 PACKAGING CONTAINER

Specific packaging products are available to package all property and evidence items. Follow the Property and Evidence Facility and WSP packaging guidelines for required containers, bags, and tags.

Property items that require latent prints must have a Forensic Request form submitted with the items. Large and/or heavy items submitted with a Forensic Request form will be put directly into the forensic print room located within the Property and Evidence Facility. A door marked "forensic print room" is accessible from the bike room.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly logged, packaged, tagged, and placed in the designated temporary storage locker. All narcotics, over-the-counter medications, and dangerous drugs are to be packaged in drug envelopes and are not to be packaged with other property.

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All drug items, including over the counter, shall be packaged in a plastic resealable bag and then put into a drug envelope. Attach a drug envelope with label on larger drug items packaged in a brown or burlap bag. Any syringe that is submitted into the facility will be packaged in a protective syringe keeper, then placed in a drug envelope. The package and Evidence Report must be marked with "bio-hazard" notation. DOA prescription medications do not need to be packaged in plastic resealable bag. Itemize the medications and the specific quantity of pills in the incident report. Only log ONE item onto the Evidence Report, for example: the item description would state "Various Prescription Medications"; quantity field 12. DOA prescription medications are logged in under the safekeeping classification and disposition is determined by the County Medical Examiner. Marijuana grow operations: Leave pots and soil at the scene. Cut and package plants in brown paper or burlap bags. Do not package plant material in plastic. Cut a representative sample and put in a paper bag/drug envelope for analysis by the WSP Crime Lab. Remove glass bulbs from reflective shields and package individually. Disassemble reflective shields. Cut power cords from shields, ballast, and timers.

The booking officer shall initial all tape seals in the manner prescribed by the WSP packaging guidelines.

804.5 RECORDING OF PROPERTY

The evidence technician will receive and maintain the chain of custody of each item submitted into the Property and Evidence Facility. The Evidence Report form is used to track status, location, and disposition of all property and evidence items. Electronic signatures are captured anytime the item is removed from the storage location for viewing and/or any time the items are removed from the facility.

804.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in the chain of custody section of the Evidence report.

Law enforcement requests for property and evidence items shall be submitted at least one day prior to the date needed. The request can be made through the Barcoded Evidence Analysis Statistical Tracking ~ BEAST ~ system, email, or by telephone. All property and evidence items, other than items released to the owner, must be signed for by a law enforcement officer. Any request by a prosecutor to view felony evidence must be confirmed and accompanied by the case detective. Prosecutors may view misdemeanor evidence in the Property and Evidence Facility without accompaniment. All other viewing requests shall be approved and accompanied by a case manager.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be made in the Evidence Report form to document chain of custody.

The case detective or unit sergeant shall authorize the disposition or release of all evidence and property. Detective rank and higher is required for release on all felony cases. City or County prosecutors can authorize disposal of items related to assigned misdemeanor cases. All firearms require release instructions from the respective unit's detectives or sergeants. The safekeeping classification implies authorization to release.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property with an entry made in the Evidence Report form.

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The WSP Lab forms will be transported with the property to the WSP laboratory. Upon delivering the item(s), the transporting employee will record the delivery time on the WSP form. The original copy of the WSP Lab form will remain with the evidence and a copy will be retained in the case file.

804.6.3 STATUS OF PROPERTY

Evidence technicians will make the appropriate entry to document the chain of custody for each property/evidence item received. Temporary release of property to officers for investigative purposes, or for court, shall be entered in the Evidence Report form, stating the date, time and to whom released.

The property and evidence technician shall obtain the signature of the person to whom property is released. Any officer or authorized 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.

Evidence technicians will make the appropriate entry to document the chain of custody in the Evidence Report form, indicating the date and time that the property was received back into the facility.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The case detective or their supervisors are authorized to release property items, Prosecutors can initiate the release process by sending a Case Clearing Disposition form to the assigned detective for signature. That disposition then is distributed to the Property and Evidence Facility for compliance. Court orders can direct the Property and Evidence Facility to release items as detailed in the order.

804.6.5 STATUTORY RELEASE OF PROPERTY

Whenever personal property comes into the possession of the department in connection with official performance of officers duties and the property remains unclaimed or not taken away for a period of sixty (60) days from date of written notice to the property owner, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty (60) days from the time the property came into the possession of the police department, unless the property has been held as evidence in any court, then, in that event, after sixty (60) days from date when the case has been finally disposed of and the property released as evidence by order of the court, the Department may (RCW 63.32.010 and 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 and 63.40; or
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 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); or

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- (c) Destroy an item of personal property at the discretion of the Chief of Police or Sheriff if the 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 Sheriff 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 retained for law enforcement purposes as described in (b) above, the item may be removed from the control of the Property and Evidence Facility for law enforcement purposes. Property shall be requested by and may be released to authorized employees of the:

- Spokane Police Department
- Spokane County Sheriff's Office
- Regional Drug Task Force
- Regional and affiliated law enforcement agencies

Statutory regulations require diligent tracking and auditing of any item removed from the Property and Evidence Facility, therefore the type of items that are eligible for removal and retention are very limited. Only items that are of such a unique nature that they cannot be otherwise obtained through normal purchase procedures will be considered for removal and retention. No other items will be authorized for removal from the Property/Evidence Facility.

The condition, inventory, and quality of the property removed for law enforcement use is the responsibility of the employee and/or agency that has custody of the property. Internal Affairs will perform an annual audit on the retained property. To retain property for law enforcement purposes, a Law Enforcement Property Retention Request form must be submitted to the employee's chain of command for approval. Any item that an employee and/or agency wish to retain must strictly meet the criteria listed above for approval to be granted. If the item is approved, the Property and Evidence Facility will release the property to the requesting unit ensuring compliance with the requirements in RCW 63.32.20 or 63.40.020. The property will be added to the retained property inventory. An inventory will be maintained and available for public inspection. The Property and Evidence Facility will create a current inventory list no later than January of every year and forward copies to the following:

- Police Internal Affairs
- Mayor or City Council
- County Administrator

If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020 and 63.40.020, may be offered by the Chief of Police or Sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of the RCW; or if the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the Chief of Police or Sheriff, in a manner that is illegal, such item may be destroyed (RCW 63.32.010 and 63.40.010).

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A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original Evidence Report form. After release of all property entered on the Evidence Report form, the form shall be forwarded to the Records Division for filing with the case. If some items of property have not been released the Evidence Report form will remain with the Property and Evidence Facility. Upon release, the proper entry shall be documented in the Evidence Report form.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held at the Property and Evidence Facility. An evidence technician will refer to the detective/sergeant, as applicable, to confirm and establish ownership. Such property shall not be released until one party has obtained a valid court order or law enforcement authorization to settle the dispute. Whenever there are claims for items that have been disposed of, citizens will be referred to City or County Risk Management departments to settle any disputes.

804.6.7 DESTRUCTION OF NARCOTICS AND DANGEROUS DRUGS

Spokane Police Department Internal Affairs will conduct and witness narcotic and firearm destruction.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician may send a Disposition or Status form on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

Internal Affairs will conduct annual spot inspections.

- (a) On a monthly basis, the supervisor or designated safety officer of the Property and Evidence Facility 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.
- (c) An annual audit of drug, currency, and firearm items stored in the Property and Evidence Facility shall be conducted and documented by the Property and Evidence Facility supervisor. A perpetual inventory of all other stored items will be conducted and documented. Inventory reports shall be available for review by the by Chief of Police.
- (d) Whenever a change is made in personnel who have access to the Property and Evidence Facility, an inventory of all evidence/property shall be made by an individual(s) not associated to the facility or function to ensure that records are correct and all evidence property is accounted for.

804.8.1 PROPERTY AND EVIDENCE OFFICE SECURITY

Access to the Spokane Police Department Property and Evidence Facility is restricted to authorized department personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Property and Evidence Facility.

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The property and evidence technician shall maintain a log of all persons entering the secured area of the Property and Evidence Facility. Personnel, other than those assigned to the Property and Evidence Facility, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

804.9 INMATE PROPERTY

Personal property that can fit in a 24" X 16" X 10" box (roughly the size of carry on luggage approved by the airlines) must remain with the individual at jail. Do not book personal items into the Property and Evidence Facility. The exceptions to this policy are weapons and items illegal to possess. The exceptions to this policy are weapons and items illegal to process.

Records Division Procedures

806.1 PURPOSE AND SCOPE

The department Records Division maintains the official records for several law enforcement agencies in addition to the Spokane Police Department. The Records Manager shall maintain the department Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

806.1.2 ACCEPTANCE OF POLICE RECORDS

Unless the record is submitted on a Spokane Police Department/Spokane County Sheriff's Office/Spokane Valley Police Department approved form, pre-printed paper or digital/electronic media, the record will be rejected by the Spokane Police Records Unit until it is resubmitted on an approved form.

806.1.3 UNIFORM CRIME REPORTING

The Spokane Police Department participates in Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Manager is responsible for ensuring that UCR/NIBRS reports are provided to WASPC on a regular basis.

806.2 FILE ACCESS AND SECURITY

All reports shall be maintained in a secure area within the Records Division accessible only to authorized Records Division personnel.

806.2.1 REQUESTING ORIGINAL REPORTS

Original reports that have been accepted into the Records Division shall not be removed, except upon the authority of the Chief of Police. All original reports removed from the Records Division shall be recorded and a record maintained by the Records Manager.

806.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

A Central Computerized Enforcement Service System (ACCESS) is a computer controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and WACIC. There are specific requirements for agencies accessing the information in the group of computers systems in ACCESS.

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806.3.1 ACCESS USE REQUIREMENTS

No member of the Spokane Police Department shall operate any of the ACCESS systems without first complying with the training requirements as they are listed in the [ACCESS Manual, Chapter 1, Section 5, Item D](#).

806.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Spokane Police Department complies with all of the following ACCESS requirements ([ACCESS Manual, Chapter 4](#)):

- Warrant Entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Cancelling information
- Providing 24 hour access to agency warrants

It is the responsibility of the Records Manager to ensure that all ACCESS computer and network security requirements are in place and operational ([ACCESS Manual, Chapter 1, Section 2, Item A](#)).

806.4 OFFICER SAFETY ADVISORIES

A person of interest database is maintained by the Washington Crime Information Center (WACIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 7 I,B):

- (a) Any physical assault or attempted assault where the subject is booked for assault or charges are later filed by the prosecutor's office.
- (b) Threats of physical violence toward an officer or his/her family. Discretion should be used with resisting arrest unless assaultive or combative behavior is demonstrated.
- (c) Threats of suicide by cop: Information such as a mental health report will be acceptable.

Officers who encounter a person who he/she believes is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the Records Division is responsible for making the appropriate entry into WACIC.

Whenever an Officer Safety Advisory is initiated by the Spokane Police Department, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained

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in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

Restoration of Firearm Serial Numbers

808.1 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.

808.2 PROCEDURE

Any firearm coming into the possession of the Spokane Police Department as evidence, safekeeping, found, or destroy, where the serial numbers have been removed or obliterated, the firearm will be processed in the following manner:

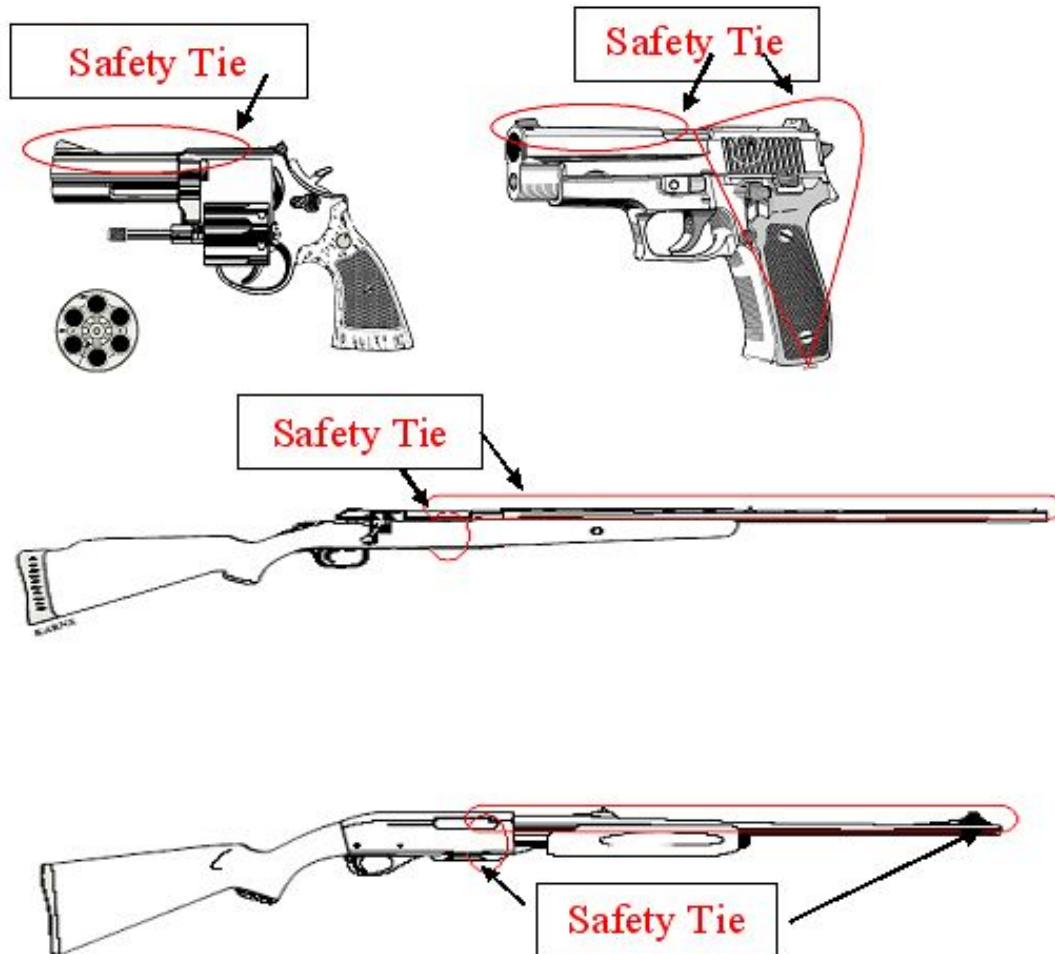
808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always treat the firearm as if it were loaded and keep the muzzle pointed in a safe direction. Unload and clear the firearm. Two firearm clearing barrels are located at the Property and Evidence Facility. Packaging requirements for firearms are detailed in the diagrams below. Strict adherence to the packaging policy is required. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tabular magazine) as well as the chamber contents. All firearms will have safety ties threaded through the barrel as shown and magazine port if applicable.
- (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.

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Restoration of Firearm Serial Numbers



808.2.2 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 Evidence Report form that serial numbers have been removed or obliterated.

808.2.3 OFFICER RESPONSIBILITY

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall update the Evidence Report form when the firearm is removed or returned for processing by the WSP Crime Lab.

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Restoration of Firearm Serial Numbers

808.2.4 DOCUMENTATION

Case reports and the Evidence Report form 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.

These reports must include a record of the manner in which and/or from whom the firearm was received.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the Crime Lab, the property and evidence technician will enter the data in the Bureau of Alcohol, Tobacco, and Firearms web-based Etrace System. The data will reflect that the trace is for an obliterated and restored serial number.

808.3 OTHER CONSIDERATIONS

The WSP Crime Lab is responsible for submission of exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, and may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of department reports and records in accordance with the Public Records Act (RCW 42.56, et seq.).

810.2 DEFINITIONS

Privacy Violation (right of privacy, right to privacy, personal privacy) - An invasion or violation of privacy occurs only if disclosure of information about the person would be highly offensive to a reasonable person, and is not of legitimate concern to the public. The rights to privacy in certain public records do not create any right of privacy beyond those rights that are specified by law as express exemptions from the public's right to inspect, examine, or copy public records (RCW 42.56.050).

Public Record - Includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

Writing - Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(3)).

810.3 PUBLIC RECORDS OFFICER

The Records Manager is designated as the Public Records Officer for the department and is responsible as the point of contact for members of the public when requesting disclosure of public records and in overseeing the agency's compliance with the public records disclosure requirements.

The Records Manager will post his/her name, role as the Public Records Officer, and contact information in the facility conspicuously visible to the public, and on the department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580).

810.4 PUBLIC REQUESTS FOR RECORDS

The Public Records Act provides that public records created by a public agency shall be subject to inspection and copying pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute (RCW 42.56.070(1)).

The Records Manager shall publish, maintain, and make available to the public, a current list containing every law that exempts or prohibits disclosure of specific information or records of the department (RCW 42.56.070(2)).

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The Records Division shall also establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any (RCW 42.56.070(7) and (8)).

Public requests for records of this department shall be processed as follows (RCW 42.56.070):

810.4.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests shall be in accordance with this policy and RCW 42.56.520.
- (b) The Department shall not be required to create records that do not otherwise exist in order to accommodate any request under the Public Records Act.

810.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the department must respond by either (RCW 42.56.520):

- (a) Providing the record.
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.
- (c) Denying the public record request.
- (d) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the Internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requester is seeking may be made. If the requester fails to clarify the request, the department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Records Manager will establish mechanisms for the most prompt possible review of decisions denying inspection.

810.5 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

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810.5.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released (RCW 42.56.240):

- (a) **Intelligence and Investigative Records** - Specific intelligence information and specific investigative records the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
- (b) **Sex Offenses** - Investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in RCW 9A.44 et seq., or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).
- (c) **License Applications** - Copies of license applications, including concealed pistol license applications or information on the applications may be released to law enforcement or corrections agencies Under RCW 9.41.070.
- (d) **Personal Information** - Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy; credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law (RCW 42.56.230).
- (e) **Child Sexual Assault Victims** - Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

810.5.2 ARREST RECORDS/RAP SHEETS

Pursuant to the Criminal Records Privacy Act, arrest records shall not be disseminated, except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Policy Manual § 812.

810.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol

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- Department of Motor Vehicles
- Other Law Enforcement Agencies
- As authorized by law or valid court order

Upon request, parties having proper interest or involvement in the specific reported collision shall receive all of the factual data submitted in the report with the exception of the reports signed by the drivers involved in the accident. Such parties include the following (RCW 46.52.083):

- Involved drivers
- Legal guardians of the drivers
- Parent of a minor driver
- Injured parties
- Owners of damaged property
- Authorized attorney or insurance carrier

Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

810.5.4 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

- (a) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (b) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (c) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.
- (d) Information that identifies a person who, while a Department employee:
 1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.
 2. Requests his/her identity or any identifying information not be disclosed.
- (e) Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- (f) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.

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1. News media does not include any person or organization of persons in the custody of a criminal justice agency.
2. Any such request by the media for the date of birth of an employee should be forwarded to the Administrative Services Supervisor and the affected employee should be promptly advised of the request.
3. A court may issue an injunction, at the request of the Department or the employee, if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

810.6 OTHER RECORDS

This department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure.

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

- (a) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action (RCW 42.56.280).
- (b) Department Party to Controversy: Records that are relevant to a controversy to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (c) Security: Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):
 1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
 2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.
- (d) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

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1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.
3. The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

810.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to the Records Manager for the department so that a timely response can be prepared.

810.8 RELEASED RECORDS TO BE DOCUMENTED

Each record request will be retained with the report, documenting the release of the record. This form will indicate the individual who released, to whom the record was released and the date the record was released.

Criminal History Record Information (CHRI)

812.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to RCW 10.97 et seq., the Criminal Records Privacy Act, which delineates who has access to CHRI, and establishes penalties for the improper use of CHRI.

812.3 DEFINITIONS

Criminal History Record Information (CHRI) - Means manual/automated rap sheets and abstracts, rap sheet crime summaries, criminal history transcripts, FBI rap sheets, and any SPD documents containing a list of prior arrests, descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release (RCW 10.97.030(1)).

CHRI includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender.

CHRI does not include posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis; court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings; records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days; records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130; records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330; announcements of executive clemency.

Criminal Justice Agency - Means a court or a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice (RCW 10.97.030(5)).

Administration of Criminal Justice - Means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime (RCW 10.97.030(6)).

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Criminal History Record Information (CHRI)

Dissemination - Means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions ([RCW 10.97.030\(8\)](#)):

- (a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination.
- (b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination.
- (c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not dissemination.

812.4 AUTHORIZED RECIPIENTS OF CHRI

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

CHRI shall only be disseminated to those entities authorized for dissemination that are listed under [RCW 10.97.050](#).

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Records Manager is the designated Criminal Record Security Officer for the Spokane Police Department. This manager is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

812.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer.
- (b) Records Manager.
- (c) Full-time employees of the Records Division.
- (d) Personnel specifically designated in writing by Bureau Commanders with the concurrence of the Criminal Records Security Officer.

812.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through non-secure computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

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Criminal History Record Information (CHRI)

812.4.4 RECORDS SUITABLE FOR RELEASE

Conviction Records may be disseminated without restriction (RCW 10.97.050(1)).

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Superior Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

RCW 10.97.080 provides the authority and procedure whereby an individual may review his/her own rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the department after complying with all legal requirements.

812.7 PROTECTION OF CHRI

CHRI shall be stored in the Records Division where constant personnel coverage will be provided. CHRI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CHRI stored in the Records Division shall be restricted to the Records Division personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets, and rooms outside the Records Division shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Division, Combined Communications Center, Investigation Bureau and secured wireless computers, to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents they receive.

Disposal of all media will comply with the CJIS Security Policy for media disposal and includes the following:

- (a) When non longer usable, diskettes, tape cartridges, ribbons, hard copies, Print-outs, and other similar items used to process CJIS data shall be destroyed by shredding (which must occur before destruction), incineration, or degaussing, considering whichever method is available, appropriate, and cost effective. This list is not all-inclusive.
- (b) IT systems which have processed or stored CHRI shall not be released from control until the equipment is sanitized and all stored information has been cleared.

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Criminal History Record Information (CHRI)

812.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Division shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

812.9 PENALTIES FOR MISUSE OF RECORDS

RCW 10.97.120 makes it a misdemeanor to furnish, buy, receive, or possess rap sheets without authorization by a court, statute, or case law.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a) .

Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files. Officers should contact an officer specially trained in processing computers as evidence for assistance or direction on how to process or properly secure the computer. After hours, this may be done by contacting the DSO.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Attempt to determine if the computer has access or is connected to a secured or unsecured wireless network. This information should be noted in the report.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, disc's, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Log all computer items into the Property and Evidence Facility. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it or had access to it at the time of the crime.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal investigation and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media.

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- (j) Hard drives can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields (i.e. police radio hardware).
- (k) When battery powered computers (e.g. laptops) are involved in criminal investigations and are in the possession of the suspect, the electrical cords or charging cords should be seized with the digital device.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy discs, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence Report form.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant and search warrant affidavit authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A completed Computer Work Request form, listing search terms and search parameters (e.g., photographs, financial records, e-mail, documents).
- (d) A forensic copy of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard disks, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, contact the case manager for copying the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.
- (f) When battery powered digital devices (e.g. digital cameras) are involved in criminal investigations and are in the possession of the suspect, the electrical cords or charging cords should be seized with the digital device.

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814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep the device plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL PHOTOGRAPHY

The following are required procedures for the submission of digital photography:

- (a) When the photographs for the incident are completed remove the storage media, set the lock, place in plastic storage cassette and place in designated envelope along with the photo log and seal.
- (b) Mark envelope with requested information.
 - 1. Incident/Report Number
 - 2. Date Submitted
 - 3. Name
- (c) The envelopes containing the memory card and photo log will be turned in at the end of each shift in the designated spot for photographic evidence.
- (d) The envelope is kept in the department member's direct control until such time as the envelope is placed in a designated location for this type of evidence.
- (e) The envelope will be collected by members of the Forensic Unit or their designee and images will be downloaded by the Forensic Unit Staff. Data will be stored and backed up by Spokane County Information Systems.
- (f) The storage media will be returned in an envelope to a location designated by each unit or to the individual submitting the photographs after it is downloaded and erased.

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814.5.3 SUBMISSION OF ALL OTHER DIGITAL MEDIA

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Facility as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy digital media. The forensic technicians and the technical support team are the only employees authorized to copy and/or distribute digital media. All duplicate copies of data will be coordinated by the case manager.
- (c) The only exception to this policy is by supervisory approval due to the sensitive nature of the media. Deviations will be noted in the case file stating the storage location of the digital media.

814.5.4 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.5 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only forensic technicians or the Technical Support Team are authorized to make copies from original digital images or files. The original digital images or files shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

814.5.6 OUTSIDE TECHNICAL ASSISTANCE

The necessity for outside technological assistance will be identified by the forensic technician in conjunction with the case manager and forwarded through the chain-of-command for approval.

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Chapter 9 - Custody

Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures regarding booking and strip searches of pre-arraignment detainee as provided by RCW 10.79.060, et. seq. It is important to note that the legislature has specified their intent to "restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary" (RCW 10.79.060). This policy shall also include pat-down/frisk, which are not evidentiary searches.

902.2 DEFINITIONS

Pat-Down Frisk - A protective pat-down used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

Custodial Arrest Search - This search is used by officers who have conducted a custodial arrest. It involves a thorough search of an individual's clothing/person and other property in their immediate possession. All pockets, cuffs, backpacks, purses, etc., are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried. The prisoner's personal property is removed and inventoried. In this type of search, all items are removed from a prisoner's possession and placed in a plastic bag, if available. This property is then turned over to jail staff or, in certain circumstances, placed on Property. Any property of significant value should be properly documented. Large sums of money should be counted in the presence of another witness officer.

Strip Search - This is not a body cavity search; this is a search that requires a person to remove or rearrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (RCW 10.79.070(1)).

Physical Body Cavity Search - This is the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity (RCW 10.79.070(2)). Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (RCW 10.79.070(3)).

902.3 PAT DOWN FRISK

- (a) When any officer has reasonable suspicion based on articulable facts to believe that a person being lawfully detained may possess weapons or other dangerous items, and is presently dangerous, that officer may conduct a normal pat-down frisk of that individual.
- (b) Prior to detaining any individual in any police vehicle, an officer should conduct a pat-down frisk of that individual to ensure no weapons are present that could later be used against the officer or another officer.
- (c) Whenever practical, a pat-down frisk of an individual should be conducted by an officer of the same sex as the person being frisked. Absent the immediate availability of a same sex officer, it is recommended that a witness officer be present during any pat-down frisk of an individual of the opposite sex as the frisking officer.

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902.4 STRIP SEARCHES

No person shall be strip searched in the field without a Superior Court search warrant unless (RCW 10.79.130):

- (a) There is a reasonable suspicion to believe that a strip search is necessary to discover weapons, or any instrument that may be used as a weapon.
- (b) Consensual strip searches of cooperative individuals (informants) being utilized in an undercover operation. Such searches shall only be done with supervisory approval and in accordance with RCW 10.79.100.

902.5 PHYSICAL BODY CAVITY SEARCH

No person may be subjected to a body cavity search unless a search warrant is obtained (RCW 10.79.080(1)). Body cavity searches are subject to the following conditions:

- (a) No body cavity search shall be authorized or conducted unless other less invasive (visual or strip search) methods do not satisfy the safety, security, or evidentiary concerns of the agency (RCW 10.79.080(3)).
- (b) A warrant may not be sought without specific authorization in writing from the ranking shift supervisor. Authorization for the cavity search may be made electronically provided it is reduced to writing and signed by the ranking supervisor (RCW 10.79.080(2)).
- (c) Before the body cavity search is authorized or conducted, a thorough pat-down frisk, and a thorough clothing search must be used to search for and seize any evidence (RCW 10.79.080(3)).

902.6 CONDUCTING STRIP SEARCHES

Strip searches shall be conducted as follows:

- (a) Persons conducting the strip search shall not touch the person being stripped except as reasonably necessary to effectuate the strip search of the person.
- (b) Privacy will be afforded to the person. This includes dressing and undressing. Persons not physically conducting the search may not be present during the search, dressing, undressing, etc., unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.
- (c) The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals.

902.7 CONDUCTING AND DOCUMENTATION OF BODY CAVITY SEARCHES

- (a) Body cavity searches shall be conducted as follows:
 - 1. The search must be performed under sanitary conditions.
 - 2. The search must be conducted by a physician, registered nurse, or physician's assistant.
 - 3. Privacy will be afforded to the person. This includes dressing and undressing. Persons not physically conducting the search may not be present during the search, dressing, undressing, etc., unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.
 - 4. The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals.

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(b) **DOCUMENTATION OF A BODY CAVITY SEARCH:**

1. The officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW) 10.79.080(4)):
 - (a) A copy of the written authorization required under Policy Manual § 902.6(b).
 - (b) A copy of the warrant and any supporting documents.
 - (c) The name and sex of all persons conducting or observing the search.
 - (d) The time, date, place and description of the search.
 - (e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

902.8 LIABILITY

The Revised Code of Washington expressly provides that a person who suffers damage or harm as a result of an improper search may bring a civil action to recover damages (RCW 10.79.110).

The agency and its employees are not liable for injury, death, or damage caused by a person in custody when the injury, death or damage was made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant (RCW 10.79.170).

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Chapter 10 - Personnel

Employee Selection and Hiring Standards

1000.1 PURPOSE AND SCOPE

The employment policy of the Spokane Police Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the City of Spokane Human Resources Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. They shall also meet any qualifications set forth by the Spokane Civil Service Commission and shall have passed the civil service test for the position they are applying for. They shall also meet those standards set by state law. Candidates must be a U.S. citizen at the time of application and provide proof of college education prior to the physical assessment.

1000.2.1 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The City of Spokane Human Resources Department maintains standards for all positions.

The following are job dimensions and standards that will be assessed for eligibility as a Spokane Police Department employee:

1000.3.1 OPERATION OF A MOTOR VEHICLE (WHERE APPLICABLE)

The applicant must possess the following:

- (a) A valid driver's license.
- (b) The ability to drive safely in all conditions.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
 - 1. A conviction for driving under the influence of alcohol and/or drugs within five years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.
 - 2. Diversion or other similar action shall be the same as a conviction.
- (f) The following may be disqualifying:

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1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) from separate incidents, within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

1000.3.2 INTEGRITY

The applicant must:

- (a) Not yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Not tolerate unethical or illegal conduct on the part of co-workers or other law enforcement personnel.
- (c) Not divulge confidential information.
- (d) Show strong moral character and integrity in dealing with the public.
- (e) Be honest in dealing with the public and fellow employees.
- (f) The following shall be disqualifying:
 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or any sustained episodes of academic cheating or personal dishonesty.
 3. Having been dishonorably discharged from the armed services.
 4. Your financial affairs or personal life shows a history of poor judgment and refusal to confront problems.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

The applicant shall have:

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
 1. Conviction for two or more misdemeanor offenses classified as a misdemeanor under Washington law as an adult.
 2. Admission(s) of having committed any act amounting to a felony crime (may include some misdemeanor offenses) under Washington law, as an adult, within five years prior to application or while employed as a peace officer (including military Police officers).
 3. Admission(s) of administrative conviction of any act while employed as a peace officer (including military Police officers) involving lying, falsification of any official report or document, or theft.
 4. Admission(s) of any act of domestic violence as defined by law, committed as an adult.

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5. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
 6. Conviction as an adult of any felony as classified under Washington state law.
 7. Conviction as a juvenile of any felony as classified under Washington state law will be evaluated appropriately during the hiring process and may exclude the candidate from being eligible for hire.
- (c) The following may be disqualifying:
1. Conviction of any criminal offense classified as a misdemeanor under Washington state law within three years prior to application.
 2. Conviction of any offense classified as a misdemeanor under Washington state law while employed as a peace officer (including military Police officers).
 3. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

The applicant shall have:

- (a) A record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following shall be disqualifying:
 1. Missing any scheduled appointment during the process without prior permission.
 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
 3. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
 4. Having any outstanding warrant of arrest at time of application.
- (g) The following may be disqualifying:
 1. Having been involuntarily dismissed (for any reason other than layoff) by an employer as an adult (18 years of age).
 2. Having displayed a pattern of multiple positions with different employers over a limited period of time.
 3. Resigning from any paid position without notice.

1000.3.5 LEARNING ABILITY

The applicant shall have:

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- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required.
- (e) The following shall be disqualifying:
 - 1. Having been academically dismissed from any WSCJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another WSCJTC basic law enforcement academy shall rescind this requirement.
- (f) The following may be disqualifying:
 - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

1000.3.6 PERSONAL SENSITIVITY

The applicant shall have:

- (a) The ability to resolve problems in a way that shows respect for the others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Fairness in dealing with fellow employees and citizens from varied racial, ethnic and economic backgrounds both individually and in groups.
- (e) Effectiveness in dealing with people without arousing antagonism.
- (f) The following shall be disqualifying:
 - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
 - 2. Having a pattern of uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
 - 3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

The applicant shall have:

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
 - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.

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2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

In order to maintain high standards in the City of Spokane law enforcement community, the City of Spokane Police Department has established illegal drug use guidelines to evaluate an applicants suitability for employment.

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 1. Failure to divulge to this department any information about personal illegal use or possession of drugs or level of alcohol consumption. Inconsistent information will be viewed as deception.
 2. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
 3. Any illegal adult (over 18) use or possession of an illegal drug after having been employed in any law enforcement capacity including corrections and military police, or after making an application to a law enforcement agency.
- (b) The following constitute The Spokane Police Department's Drug Standards. You must meet these standards to be considered for employment.
 1. No use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment. Lifetime usage cannot exceed three times.
 2. No adult use or possession of marijuana within one year prior to application for employment. An adult (over 21) lifetime marijuana usage cannot exceed twenty-five (25) times.
 3. No other illegal use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment. Lifetime usage cannot exceed three times.
 4. No adult manufacture or cultivation of a drug or illegal substance.
- (c) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use, manufacture, cultivation or possession of a drug as a juvenile.
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago).
 3. Any illegal or unauthorized use of prescription medications.
- (d) An applicant may also be rejected for the illegal use/misuse of legally prescribed drugs or medications. An applicant may also be rejected if the applicant's alcoholic beverage consumption is shown to impair his/her ability to perform in a satisfactory manner.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the department and the employee, giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge for measuring performance and may be used for making personnel decisions relating to promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. 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 supervisory personnel shall be sent to a WSCJTC 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 rating criteria with each employee at the beginning of the rating period.

1002.3 EVALUATION FREQUENCY

Non-probationary commissioned employee evaluations are due in the months of July and January for the proceeding six month period. Probationary employees are evaluated according to the FTO protocol.

Non-commissioned employees shall receive evaluations as follows:

- Original Appointment Probation: During the first year an employee is employed with the city, there will be three performance evaluations prepared. These evaluations will be conducted at the end of the 4th, 8th, and 11th months of the probationary period.
- Promotional Probationary Period: When a classified employee is promoted to a higher classification, that employee is on probation for six (6) months. Performance evaluations will be prepared at the end of the 3rd and 5th months of the probationary period.
- Annual: Each employee who has completed the probationary period will have a performance evaluation prepared on the anniversary date of employment with the city. For an employee who has been promoted, the evaluation will be done on the anniversary date of the completion of the promotional probationary period.
- Promotional: An employee who signs up for a promotional test through the Civil Service system will have an evaluation prepared if the last evaluation was more than one (1) year before the date of the test.

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- Special Supervisory Evaluation: The supervisor has the option of preparing a special evaluation on an employee. This evaluation is normally used to document significant improvements or deficiencies in an employee's performance. This evaluation will not be prepared on an employee on initial appointment or promotional probationary status.

1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under Policy Manual § 350.

1002.4 TRANSFERS DURING RATING PERIOD

If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

1002.4.1 COMPLETION OF EMPLOYEE PERFORMANCE EVALUATION DOCUMENT

The rater will complete all sections of the document. The rater will rate the employee on the relevant categories listed on the "performance evaluation" section (commissioned PAR) of the document. The rater will give the employee an appropriate rating based on the employee's performance during the rating period. If the category is not applicable to the particular employee or not observed by the rater, the rater will note this accordingly.

The "comments" section shall be used to illuminate the reasoning and details behind the numerical scores on the performance review. Particularly high or low scores will require greater explanation.

The following section pertains to commissioned personnel only:

The "planned training and/or changes" section should be used to list intended corrections for any deficiencies, as well as continued career development that the rater believes is necessary or important for the employee. It may also be used to highlight any goals that the employee has indicated he/she has, along with suggested training or activities that the rater believes will help the employee attain those stated goals. The "promotional evaluation form" will be completed by the rater. This form is provided to Civil Service for promotional purposes. The percentage scores in the relevant categories shall coincide with the same or similar categories on the Performance Evaluation.

1002.5 EVALUATION REVIEW

Before the supervisor discusses the evaluation with the employee, the signed performance evaluation is forwarded to the rater's supervisor (reviewer). The reviewer shall review the evaluation for fairness, impartiality, uniformity, and consistency. The reviewer shall evaluate the supervisor on the quality of ratings given.

1002.6 EVALUATION INTERVIEW

Once the reviewer has approved the evaluation, the supervisor will 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

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advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may write a rebuttal that will be attached to the performance evaluation report.

1002.7 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. One copy will be given to the employee, one copy will be forwarded to City Human Resources Department, and one copy will be kept in the employee's shift file.

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 U.S.C. § 921(a) and 18 U.S.C. § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Because such offenses may include any conviction involving 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), employees shall promptly report any and all convictions of such nature.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 U.S.C. § 922(d)(8)).

1010.3 REPORTING PROCEDURE

All employees of this department and all retired officers with a retired officer CPL shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a retired officer CPL shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.4 PROCEDURE FOR RELIEF

Relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Alcohol and Drug Use Policy

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Spokane Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES

The consumption of alcohol or other intoxicants is generally prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs they believe may adversely affect their senses or judgment shall report that fact to their immediate supervisor.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on city property, at work, or while on duty except in the performance of their duties.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is taking any medication which might impair his/her ability to fully and safely perform all requirements of their position shall report the use of such medication to Human Resources for review consistent with the ADA.

1012.3 EMPLOYEE ASSISTANCE PROGRAM

The city of Spokane has established a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems. There is also a variety of insurance coverage available, which provide treatment for drug and alcohol abuse. Employees may contact the Human Resources Department, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.3.1 CONFIDENTIALITY

The department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, shall be compliant with state and federal law.

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1012.4 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances by any other employee.

1012.5 RELATIONSHIP TO COLLECTIVE BARGAINING AGREEMENT

In the event of any inconsistency between this policy and the Drug and Alcohol provisions of a bargaining agreement, the bargaining agreement shall prevail.

Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective labor agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825).

1014.2 NOTIFICATION

Employees shall notify their immediate supervisor as soon as possible, but at least one hour prior to their scheduled shift, that they will not be able to report to work due to personal or family illness.

While on duty, the employee's supervisor shall be notified by the employee when the employee is unable to continue due to illness or other circumstances.

Employees shall notify their supervisor at least one hour prior to returning to work to allow adjustments in staffing levels.

1014.3 EXTENDED ILLNESS

Employees absent from duty due to illness may be required to furnish a statement from their physician upon returning to work as allowed by state and federal law.

Employees absent from duty due to an on-duty injury requiring medical treatment, shall furnish a statement from their physician upon returning to work to their supervisor who will forward it to payroll.

Employees who have planned surgeries or other medical procedures shall notify their supervisor and payroll as soon as possible as to the dates and anticipated time off required.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave misuse in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Supervisor will notify payroll as soon as possible about all extended employees sicknesses over three days and any planned surgeries or needed FMLA.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD) and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines (WAC 296-823-140 et seq.).

1016.2.1 EXPOSURE CONTROL OFFICER

The patrol administrative sergeant is the department assigned Blood borne Pathogens (BBP) Exposure Control Officer (ECO) and working with city Risk Management, shall be responsible for the following:

- (a) The overall management of the BBP Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remaining current on all legal requirements concerning BBP and other communicable diseases.
- (d) Acting as a liaison during Occupational Safety and Health Administration (OSHA) inspections and conducting program audits to maintain an up-to-date ECP.
- (e) Working with the Academy to maintain an up-to-date list of police personnel requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.
- (f) Reviewing and updating the ECP annually (on or before January 1st of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

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1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between fluid types, all bodily fluids are to be assumed potentially infectious (WAC 296-823-14060).

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is available for all personnel to assist in the protection against such exposures:

- Disposable latex gloves
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site

The protective equipment is to be kept in each police vehicle and near each work area. Protective equipment should be inspected at the start of each shift and replaced as soon as practical upon returning to the station if used or damaged during the shift, or as otherwise needed. The officer who used the equipment is responsible for ensuring that the equipment is replaced prior to securing from shift. If the officer is injured or otherwise unable to complete this task, they shall request another officer or supervisor coordinate the replenishing of this equipment.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment and/or immunization for Hepatitis B (HBV) (WAC 296-823-130 and WAC 296-823-13005).

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate precautions to prevent skin and mucous membrane exposure whenever contact with blood or other body fluid is anticipated (WAC 296-823-15005).

Disposable gloves should be worn on all medical emergency responses. Disposable gloves should be worn when physical contact is anticipated with any patient and/or when handling items soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste (WAC 296-823-15010). Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way that minimizes splashing, spraying, or otherwise generating droplets of those materials (WAC 296-823-14020).

The following guidelines are paramount:

- Avoid needle sticks and other sharp instrument injuries. Never perform two handed needle recapping.
- Wear disposable gloves when contact with blood or body fluids is likely.

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- Use disposable shoe coverings if considerable blood contamination is encountered.
- Keep all cuts and open wounds covered with clean bandages.
- Avoid smoking, eating, drinking, nail biting, and all hand-to-mouth, hand-to-nose, and hand-to-eye actions while working in areas contaminated with blood or other body fluids.
- Wash hands thoroughly with soap and water after removing gloves and after any contact with blood or other body fluids.
- Clean up any spills of blood or other body fluids thoroughly and promptly using a 1:10 household bleach dilution.
- Clean all possibly contaminated surfaces and areas with a 1:10 household bleach dilution.
- Place all possibly contaminated clothing and other items in clearly identified, impervious bio-hazard plastic bags.
- Place all possibly contaminated sharp objects in clearly identified puncture resistant containers.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of bio-hazards with the on-scene fire response vehicle, at the attending clinic/hospital with their approval, or in an appropriately marked bio-hazard waste container at the Public Safety Building immediately upon arrival.

The bio-hazard waste container is located at the bottom of the stairs that lead into the basement of the Public Safety Building. It is clearly marked and lined with a red plastic, bio-hazard bag. The Forensics Unit is responsible for having this container emptied routinely. They shall coordinate this with Risk Management. Directions on emptying the container are posted directly above the barrel.

1016.3.2 DECONTAMINATION OF SKIN AND TREATMENT OF MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible at the conclusion of the incident. Officers should wash their hands even if protective gloves were worn and no transfer of hazardous materials is suspected. Antibacterial soap, warm water, and/or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood, bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap, warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by application of an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water, soap and/or an approved disinfectant. Medical treatment should be obtained to ensure proper protection is received for the officer (WAC 296-823-14030).

Hazardous waste exposure to non-intact skin (e.g., injured skin, open wound) shall be cleaned using warm water, soap and/or an approved disinfectant. It shall then be dressed

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or bandaged as required. Medical treatment is required in all incidents of exposure. Contaminated mucus membranes, (i.e., eyes, nose, mouth) shall be flushed with water for a period of twenty minutes.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning area or the decontamination area at Fire Station One. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area (WAC 296-823-14030).

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary purposes related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, whenever possible, shall be into a puncture proof bio-hazard container.

All sharps and/or other items that may cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. If the material must be hand held, protective gloves must be worn (WAC 296-823-14015).

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, bandage dressings, CPR masks) shall be transported with the patient or suspect in the ambulance if possible or police vehicle if it's not possible to place the items with the patient. The waste material shall be disposed of in the same manner as stated in § 1016.3.1. Disposable gloves are to be worn while placing the waste into the waste bio-hazard container, placing the gloves worn during this process in with the rest of the waste when through (WAC 296-823-15030).

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a bio-hazard waste container as described in Policy Manual § 1016.3.1.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed and replaced as soon as feasible.

Contaminated reusable personal protective equipment that must be transported prior to cleaning, shall be placed into a bio-hazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the bio-hazard waste bag and during placement into the bio-hazard waste container; dispose of gloves along with the rest of the bio-hazard waste (WAC 296-823-15030).

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a bio-hazard waste bag if possible.

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Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the official cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:10 solution of chlorine bleach while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of (WAC 296-823-14055).

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a bio-hazard waste bag and give it to the quartermaster. If the quartermaster is not immediately available, the clothing shall be placed in a secure area and a message left with the quartermaster describing the clothing, suspected contaminate and current location of the items. The quartermaster will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the department's expense (WAC 296-823-15030).

Contaminated leather boots or gloves shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boots or gloves, these items shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. If the vehicle is parked for later decontamination, it must be clearly posted on the vehicle itself. The ECO or the equipment servicer shall be notified promptly of the contaminated car, the suspected contaminant and the car's location.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection and care for the employee (WAC 296-823-160 et seq.).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

The employee shall:

- (a) Wash the affected area immediately with soap and water and contact your supervisor to advise them of the situation.

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- (b) Call U.S. Health Works (747-0776) for an exposure assessment (this number may go to a paging system after-hours, so be prepared to provide a call-back number). A doctor will return your call or page within fifteen (15) minutes. There is a critical two-hour window for treatment to begin. The doctor will assess the exposure as follows:
1. Simple Exposure; many exposures do not require further treatment than the clean-up that you have already done.
 2. Significant Exposure; if the exposure has a significant probability of disease transfer, the doctor will instruct you to report to a U.S. Health Works Office or the ER at Deaconess or Sacred Heart Hospitals. You will be given a "base-line" blood test that will include testing for HIV, and Hepatitis B and C. Medical treatment options will be considered at this time.

U.S. Health Works will provide you with your test results at a follow-up appointment scheduled within the next 24 to 48 hours. They will also provide you with third-party test results when applicable.

The Centers for Disease Control provides a toll free hotline staffed 24/7 by physicians. This "post exposure prophylaxis hotline" is 1-888-448-1911. This number is available for you to call the CDC for consultation if you desire.

Contact your supervisor to complete necessary paperwork.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

- (a) The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information (WAC 296-823-16005):
1. Names and social security numbers of the employee(s) exposed.
 2. Date and time of incident.
 3. Location of incident.
 4. What potentially infectious materials were involved.
 5. Source of material or person.
 6. Current location of material or person.
 7. Work being done during exposure.
 8. How the incident occurred or was caused.
 9. PPE in use at the time of incident.
 10. Actions taken post-event (clean-up, notifications, etc.).
- (b) The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This information is captured by the Potential Infectious Disease Exposure form. The appropriate routing of this form is located at the bottom of the report (one copy to the treating facility, one copy to the employee and one copy to the administrative sergeant (ECO)), who should then ensure a copy is forwarded to Risk Management.
- (c) Other supervisor responsibilities:
1. Contact the individual whose body fluids the employee came into contact with (the "source").

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2. If the source agrees to get tested for HIV, and possibly other blood borne pathogens, transport the source to the emergency room at Sacred Heart Medical Center. Have the source read and sign the consent form, "HIV Antibody Test" (forms are located in the hall across from Police Administration). This form is needed to release the test results to the exposed employee. The hospital will perform the tests and the results will either be given to the exposed employee, or will be forwarded to the Spokane Regional Health District HIV/AIDS Program Manager who will then contact the exposed employee.
 - (a) Leave a copy of the signed consent form (HIV Antibody Test) with the hospital and submit the original to the City of Spokane Risk Management.
3. If the source refuses your request for a voluntary blood draw:
 - (a) Contact the Spokane Regional Health District at 324-1534 during business hours and request their assistance. The Health Officer will determine whether or not a substantial exposure has occurred, and if so, will contact the source. Most always, the source agrees to testing, but if s/he refuses, a Health Order may be issued.
 - (b) State law does not provide for mandatory testing of hepatitis B or C, but does provide for mandatory testing for HIV if the Health Officer agrees there has been a substantial exposure. **Important: The testing must be conducted within seven days of the original request of the exposed party for the Health Department to assist.**
4. Ensure that the affected/exposed employee goes to Sacred Heart Hospital to request their baseline blood test for their L and I claim. The exposed employee must also give their consent to be tested for HIV. The hospital should have the needed consent forms.
 - (a) Request that the blood draw be tested for Hepatitis B and C as well as HIV. L and I will pay for these tests.
 - (b) Request that a tetanus shot, if needed, be given to the exposed employee.
5. Complete the necessary forms located in the hall across from Police Administration:
 - (a) If the exposure was classified by U.S. Health Works or a hospital ER as a "simple exposure" (no treatment other than clean-up), complete a City of Spokane Employee Injury Report and a City of Spokane Potential Infectious Disease Exposure form.
 - (b) If the exposure was classified by U.S. Health Works or hospital ER as a "significant exposure", complete a City of Spokane Employee Injury Report, a City of Spokane Potential Infectious Disease Exposure form, a Self Insured Accident Report SIF II-L&I, and a Spokane Regional Health District Request for Mandatory Testing Due to Substantial Exposure form (forms are located in the hall across from Police Administration). Fax the Request for Mandatory Testing Due to Substantial Exposure form to the Spokane Regional Health District at 324-1496 within 24 to 48 hours.
6. Forward copies of all paperwork to Human Resources for the City of Spokane and Captain and/or Major of the affected employee. the SPD Administrative Sergeant will act as the Exposure Control Officer (ECO) and the ECO will act as the liaison for SPD and will monitor the follow-up testing that may be needed.
 - (a) The procedure that should be followed is:

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1. Baseline assessment of exposed employee no later than within 72 hours of exposure.
 2. Three (3) month follow-up testing for Hepatitis and HIV.
 3. Six (6) month retesting.
- (b) The reasons for the above retesting periods are that HIV always shows up within three months from the time of exposure, while Hepatitis C can take up to six months.

- Document your efforts regarding the incident. All reports will be provided to the ECO.

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to any bodily fluids should be seen by a physician (or qualified health care provider) immediately following the exposure or as soon as practicable thereafter. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination and the Communicable Disease Notification Report. The medical consultation, evaluation and treatment shall be provided at no cost to the affected employee.

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report (WAC 296-823-16005).

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation (WAC 296-823-16005).

1016.4.5 CONFIDENTIALITY OF REPORTS

The information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

Smoking Policy

1018.1 PURPOSE AND SCOPE

The Surgeon General has determined that second-hand smoke is hazardous to health. Tobacco products may also be offensive to employees and the public.

1018.2 POLICY

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

No person shall smoke tobacco products within 25 feet of a main entrance, exit, or operable window of any building (RCW 70.160.075).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.1.1 DEFINITIONS

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Personnel Complaints shall be classified in one of the following categories:

Inquiry - Questions about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

Complaint - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Internal Affairs Unit depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Assistant Chief, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Mediation - Is a voluntary process and an alternative to investigation, adjudication and the disciplinary process.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the Public Safety Building lobby, at all COP Shops, from Internal Affairs, or at the Office of Police Ombudsman.

1020.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) A complaint may be filed directly with Internal Affairs or the Office of Police Ombudsman.

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- (d) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) When an uninvolved supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper implementation of department policy or procedure, a complaint need not be taken. A Citizen Inquiry form will be completed and forwarded to Internal Affairs.
- (b) When the complainant's credibility appears to be unreliable, the person should be provided with a Personnel Complaint form and the supervisor should complete a Citizen Inquiry form, noting the credibility concerns.
- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

Complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should prepare a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended, if practicable, that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement.

1020.3 SUPERVISOR RESPONSIBILITY

In general, preliminary and follow-up investigative responsibility for some administrative complaints shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor, Internal Affairs, or Human Resources, investigate the complaint. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a complaint involving allegations of a potentially serious nature shall ensure that the Shift Commander is notified as soon as practicable. The Shift Commander will determine if the nature of the complaint warrants DSO notification.
- (b) A supervisor receiving or initiating a complaint, or conducting a preliminary investigation, shall ensure that a Personnel Complaint form has been completed as fully as possible to include; the names and contact information of all involved parties and witnesses, collection of evidence, photographing of alleged injuries as well as areas of non-injury, etc. The supervisor will send the original to Internal Affairs by the end of his/her shift, and forward a copy through the accused employee's chain of command. The chain of command will review the complaint and make recommendations as to the appropriate department response. The Assistant Chief

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will determine if the allegation is criminal or administrative. If the allegation is criminal, the Assistant Chief will notify the Chief of Police. A decision will then be made as to the proper method of investigation.

- (c) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor or commanding officer receiving the complaint shall immediately contact the employee's Bureau Commander or the Duty Staff Officer who will initiate appropriate action. Internal workplace complaints of this nature will be investigated by Human Resources in coordination with the department's Internal Affairs Unit. The Internal Affairs Unit will ensure that all complaints/investigations are documented, monitored, and reviewed for thoroughness and objectivity.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

The Chief of Police may elect to place an employee on administrative leave when circumstances dictate such leave to be in the best interest of the department.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor. The employee shall be available to the department by pager, or other electronic means, during normal business hours, 0800-1600 hr., Monday through Friday.
- (d) At the discretion of the Chief, as an alternative to administrative leave, the employee may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) The Chief of Police or designee, is authorized to place an employee on administrative leave.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned 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 practical when an employee is formally accused of criminal conduct. In the event of criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to an assigned investigator.

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No information or evidence administratively coerced from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a police officer, which has not led to a conviction, however, no disciplinary action, other than non-disciplinary paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. An employee charged with a crime may be placed on unpaid layoff status in accordance with Civil Service Rules.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor, an assigned member of the Internal Affairs Unit, or the Human Resources Department, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours, preferably when the employee is on-duty. If the employee is off-duty, the employee shall be compensated.
- (b) No more than two interviewers, and the Ombudsman if present, may ask questions of an accused employee.
- (c) Prior to their interview, an employee shall be informed of the nature of the investigation. If the employee is the subject of the investigation, they shall be given a general overview of the factual allegations in writing before the interview commences.
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions that are narrowly tailored to establish the facts of the investigation or the employee's fitness to hold office, may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator, except at the direction of the Chief.
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview if requested by the employee.
- (g) Any employee who becomes the subject of a criminal investigation shall, prior to their interview, be notified that he/she is the subject of a criminal investigation and, further, that he/she is under no obligation to answer any questions or to remain in an interview setting involuntarily. A criminal investigation shall be interpreted as any investigation which could result in the filing of a criminal charge against the employee.
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have a Collective Bargaining Unit representative present at any interview. In addition, they may also have legal representation at their own expense. These representatives may participate to the extent allowed by law.
- (i) All employees shall provide truthful and non-evasive responses to questions posed during interviews.
- (j) An investigator will not ask, nor will an employee be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any administrative investigation.

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1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be ordered to submit to a blood, breath, or urine test for alcohol and drugs as allowed by law.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process.

Employees shall have no reasonable expectation of privacy in the use of city computers, telephones, radios, and electronic devices, and, in city property including desks, lockers, file cabinets, and vehicles, provided that employees retain a right of privacy in the personal possessions contained therein. Absent permission of the employee, no locker or vehicle search (excluding regular vehicle inspections) shall be conducted unless in the presence of a bargaining unit representative. Any removed items shall be inventoried.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation of disposition will be provided during the chain of command review or by the Administrative Review Panel (ARP). Internal Affairs investigators will not submit a recommendation of disposition.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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Training Failure - Deficiency in training was the cause of the alleged act.

Closed Due to Mediation - Is an alternative to the investigation, adjudication and disciplinary process.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation as required by Collective Bargaining Agreements. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed.

- (a) If the complaint is investigated by the shift/unit:
1. The employee's supervisor will make a recommendation of finding and disposition. The supervisor will utilize the appropriate form, and forward the file through the chain of command to the Assistant Chief.
 2. The Assistant Chief will forward to the Internal Affairs Unit with recommendations or for submission of the case to the Administrative Review Panel (ARP).
 3. The Internal Affairs Unit will review the file for completeness and forward the case to the Chief for deliberation of finding and disposition. If the case was submitted to ARP, it will be returned to the Assistant Chief for review. The Assistant Chief will submit the completed file to the Chief for deliberation of finding and disposition.
 4. Upon completion of investigations involving allegations of a serious nature or originated by the Office of Police Ombudsman (OPO), IA will forward a complete copy of the case file to the OPO for review. The OPO will have five business days to determine whether the investigation was thorough and objective.
- (b) If the case was investigated by the Internal Affairs Unit:
1. Once Internal Affairs has completed their fact-finding investigation, the case will be submitted to the Assistant Chief for review. The Assistant Chief will determine if the case will be submitted for a chain of command review or referred to the Administrative Review Panel.
 2. Upon completion of the chain of command review the case will be sent to Internal Affairs. The Internal Affairs Unit will review the file for completeness and forward the case to the Chief for deliberation of finding and disposition. If the case was submitted to ARP, it will be returned to the Assistant Chief for review. The Assistant Chief will submit the completed file to the Chief for deliberation of finding and disposition.
 3. Upon completion of investigations involving allegations of a serious nature or originated by the OPO, IA will forward a complete copy of the case file to the OPO for review. The OPO will have five business days to determine whether the investigation was thorough and objective.

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Within 30 days of case closure, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed.

The OPO will be notified by IA within five business days of case closure of all complaints of a serious matter and all complaints originated by the OPO. The OPO, in addition to the department's written Notice of Finding letter to the complainant, may send a closing letter to the complainant. The letter may summarize the case findings.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Office of Police Ombudsman to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF INVESTIGATIONS AND PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files (Policy Manual § 1026). The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq., and RCW 70.02).

Accused employees, while they have a right to prepare a response to the allegation and disclose to others that they are the subject of an investigation, must not interfere with the internal investigation process. In order to ensure that the integrity of the investigation is maintained and that all policies are understood and followed, employees shall not discuss the allegations or the investigation, nor allow anyone else to gain access to that information, without the express authorization of the Chief, his/her designate, or the Internal Affairs officer. The accused employee, however, may discuss the matter with his/her supervisor, collective bargaining unit representative, and/or his/her attorney without prior consultation with the Chief, his/her designate, or the Internal Affairs officer.

All investigative files shall be maintained for a period of no more than current year plus six years from the date of case disposition. Exceptions will be made for complaints associated with ongoing litigation.

A permanent history of all complaints shall be maintained in the employee's Internal Affairs electronic history file.

1020.8.2 ADMINISTRATIVE REVIEW PANEL

The Administrative Review Panel (ARP) will be comprised of a Bureau Commander or captain, serving as chair, with a panel comprised of captains and/or lieutenants. This panel will have both investigative and review/recommendation authority. Review/recommendation responsibilities would include reviewing for thoroughness and objectivity, and making recommendations as to finding and proposed discipline (Local 270 members will not include proposed discipline).

As part of the review/recommendation process, the Administrative Review Panel has certain investigative responsibilities, which could include, in certain cases, directing the Internal Affairs Unit to conduct additional investigation into a specific facet of the case.

The ARP may also direct employees to appear before the panel for specific questioning. In such instances, the employee's rights and responsibilities would be as provided in other areas of this policy.

ARP members will preserve the integrity of the process by maintaining the confidentiality of the complaint and investigative case file.

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1020.8.3 OFFICE OF POLICE OMBUDSMAN

- (a) The Office of Police Ombudsman (OPO) will provide a professional presence to help ensure a quality investigation in real time, and visible, independent oversight to reassure the public.
1. The OPO will actively monitor all police department internal investigations.
 2. The OPO may receive complaints from any complaining party, including, without limitation citizens or employees of the police department. The OPO will forward all complaints to IA within three business days for processing and, when appropriate, investigation. The OPO will not conduct independent disciplinary investigations.
 3. In addition to complaints received by the OPO, Internal Affairs will provide copies of all other complaints to the OPO within three business days.
- (b) Once the case is closed, the OPO will return all case file materials to IA for retention, but will have subsequent access to closed cases.
1. The OPO will have the opportunity to make a recommendation for mediation to the Chief of Police, prior to investigation. In the event the department, the complainant and the officer all agree to mediation, that process will be utilized rather than sending the matter on for investigation. Assuming the officer participates in good faith during the mediation process, the officer will not be subject to discipline and no disciplinary finding will be entered against the officer. Good faith means that the officer listens and considers the issues raised by the complainant, and acts and responds appropriately. Agreement with either the complainant or the mediator is not a requirement of good faith. In the event an agreement to mediate is reached and the complainant thereafter refuses to participate, the officer will be considered to have participated in good faith.
 2. Once any complaint is received by the Internal Affairs unit, it shall be submitted to the chain of command for review per existing policy. When either the Chief or her/his designee determines that the allegations warrant investigation, such investigation shall be approved, and IA will initiate the investigative process.
 3. Internal Affairs will notify the OPO of all administrative interviews on all complaints of a serious matter (complaints that could lead to suspension, demotion or discharge) and all complaints originating at the OPO. The OPO may attend and observe interviews, and will be given the opportunity to ask questions after the completion of questioning by the department. The OPO will not participate in criminal investigations of department employees but will be notified when the criminal case is concluded.
 4. Upon completion of investigations, IA will forward a complete copy of the case file to the OPO for review. The OPO will determine whether the investigation was thorough and objective.
 5. As a part of the review process, the OPO may conclude that additional investigation is needed on issues deemed material to the outcome. If there is any dispute between the assigned investigator(s) and the OPO regarding the necessity, practicality or materiality of the requested additional investigation, the Chief (or designee) will determine whether additional investigation will be undertaken. If the OPO is not satisfied with the determination of the Chief, the matter will be resolved by the Mayor, who's decision will be final. Once the matter has been referred to and resolved by the Mayor, the investigation will be completed consistent with the determination by the Mayor. After completion of

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the additional investigation, or the conclusion that no further investigation will be undertaken, the OPO will then certify whether or not, in the opinion of the OPA, the internal investigation was thorough and objective. This determination will be made within five business days. Once the above finding is entered in the investigation, the OPO will not be involved further in the disciplinary process in that case.

6. All disciplinary decisions will be made by the Chief (or designee).
 7. The OPO will be provided a copy of any letter or other notification to an officer informing them of actual discipline imposed as a result of an internal affairs investigation or any Notice of Finding in the event that the complaint is not sustained.
 8. The OPO will be notified by IA within five business days of case closure of all complaints of a Serious Matter and all complaints originated by the OPO. The OPO, in addition to the department's written Notice of Finding letter to the complainant, may send a closing letter to the complainant. The letter may summarize the case findings.
 9. Any complaining party who is not satisfied with the findings of the department concerning their complaint may contact the Office of Police Ombudsman to discuss the matter further. However, unless persuasive and probative new information is provided, the investigation will remain closed. In accordance with established arbitral case law, employees may not be disciplined twice for the same incident. In the event the investigation is re-opened and discipline imposed, the appropriate burden of establishing compliance with this section rests with the city in any subsequent challenge to the discipline.
 10. In addition to the investigative process, the OPO will have unimpeded access to all complaint and investigative files for auditing and reporting purposes. The OPO shall not retain investigative files beyond one year and will return the same to Internal Affairs for safekeeping. At all times and including, without limitation, issuing written reports, the OPO will not release the name(s) of employees or other individuals involved in incidents or investigations nor any other personally identifying information. The OPO may make statistical observations regarding the disciplinary results of sustained internal investigations, but shall not take issue with discipline imposed by the Chief of Police in specific cases.
 11. The OPO may recommend policies and procedures for the review and/or audit of the complaint resolution process, and review and recommend changes in departmental policies to improve the quality of police investigations and practices. Nothing herein shall be construed as a waiver of the Guilds right to require the city to engage in collective bargaining as authorized by law.
- (c) The OPO shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney's clients and shall not disclose confidential records.

1020.8.4 MEDIATION

Mediation is an alternative to investigation, adjudication and the disciplinary process. The OPO will have the opportunity to make a recommendation for mediation to the Chief of Police, prior to investigation. In the event the department, the complainant and the officer all agree to mediation, that process will be utilized rather than sending the matter on for investigation. Assuming the officer participates in good faith during the mediation process, the officer will not be subject to discipline and no disciplinary finding will be entered against the officer. Good faith means that the officer listens and considers the issues raised by the

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complainant, and acts and responds appropriately. Agreement with either the complainant or the mediator is not a requirement of good faith. In the event an agreement to mediate is reached and the complainant thereafter refuses to participate, the officer will be considered to have participated in good faith.

1020.8.5 POSTING OF DISCIPLINARY ACTION

Whenever any disciplinary action is taken which involves discipline beyond the level of a formal letter of reprimand (e.g., suspension, demotion, or termination), the Chief of Police shall cause to be posted on the department's official bulletin boards a notification setting forth the following: The name of the officer or employee being disciplined; a summary of the facts and findings in the disciplinary process; the nature and extent of the discipline imposed, with a summary of the rationale supporting that decision.

Copies of this notice shall remain posted on the official bulletin boards for six days in order to allow employees of the department who are on days off the opportunity to personally review them. After six days, the notices shall be collected and returned to the file. The contents of such notices shall be deemed as confidential and for internal use only, and any release of the information contained therein shall only be made through the office of the Chief of Police and with his/her authorization. The removal, defacing, or alteration of such notices and/or the release of their contents outside the department shall be considered improper conduct and/or a breach of confidentiality and therefore potentially subject to disciplinary action.

Discipline of AFSCME Local 270 employees will not be posted.

Seat Belt Procedure

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all employees operating or riding in department vehicles (RCW 46.61.688, RCW 46.61.687).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear available, properly adjusted safety restraints when operating or riding in department owned, leased, or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including non-employees, in the vehicle he/she is operating are in compliance with this policy.

It is the intent of this policy that all employees wear seat belts whenever possible however, sworn officers may dispense with wearing safety restraints for specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

All non-employees occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit equipped with seatbelts shall wear available safety restraints if available unless physical conditions or officer safety considerations would prevent such from being applied or dictate otherwise.

1022.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law. In the event an appropriate approved child safety restraint system is not available the child may be transported by sworn personnel however the child should be restrained in a seat belt (RCW 46.61.687(1)).

The rear seat passenger area in cage-equipped vehicles has reduced clearance which may interfere with the proper use of child safety restraint systems. Because of limited rear seat clearance in these vehicles, children and child restraint systems should be properly secured in the front seat according to the manufacturer's recommendations. Whenever a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated if possible. In the event this is not possible, alternative transportation should be considered.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by safety belts (when available) in a seated position. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which any safety belt in the driver's seating position is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and not without the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Spokane Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Spokane Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-issued or approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) The department encourages the wearing of body armor by any volunteer or person engaging in a ride along in a department patrol vehicle.

Employee Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to employee personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of personnel records pursuant to the exemptions listed in subsections of RCW 42.56 and other state and federal laws.

1026.2 EMPLOYEE FILES DEFINED

Personnel records shall include any file maintained under an individual employee's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the employee participated, or which the employee perceived, and pertaining to the manner in which the employee performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of an employee's employment with this department.

Shift File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

Civil Service File - Those files which are maintained separately and exclusively by the City Civil Service Department.

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Human Resources File - Those files which are maintained separately and exclusively by the City Human Resources Department.

Pre-employment employee files, including background information, psychological, and polygraph results, will be maintained in the office of the Chief of Police or his/her designee or by the Human Resources Department. Such files shall be kept separately from other employee files.

All employee records will be secured and available only to persons authorized to access such information.

1026.4 CONFIDENTIALITY OF ALL EMPLOYEE FILES

In general, unless expressly stated by statutory exception, employee files are subject to public disclosure. To the extent possible, all employee records, whether or not subject to public disclosure, should be maintained as private records. Access to employee files should be limited to only those local government employees who are needed to maintain the files and those who have a legitimate need for access or legal right to access. All of the employee records listed in Policy Manual § 1026.2 shall be deemed private, and access to such files will be limited to only those department or city employees who are needed to maintain the files and those who have a legitimate need for access. Nothing in this section is intended to preclude review of employee files by the Chief Operating Officer, City Attorney, or other attorneys or representatives of the city in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes (RCW 42.17.020(41)).

- (a) Private personnel records that are exempted from public disclosure include:
1. Applications for public employment (RCW 42.56.250).
 2. Residential addresses and telephone numbers (RCW 42.56.250).
 3. Performance evaluations which do not discuss specific instances of misconduct.
 4. Medical information (RCW 70.02).
 5. Industrial insurance (workers' compensation) claim files and records (RCW 51.28.070).
 6. Employee identification numbers.
 7. Taxpayer information, such as tax withholding data (RCW 42.56.230(3)).
 8. Investigatory files where no misconduct was found.
- (b) Records that are not covered by other specific disclosure exemption statutes must be made available for inspection and copying. This includes the following private personnel records:
1. Employee advancement or discipline reports.
 2. Personnel complaint investigations after such investigations have been completed or are no longer under review or deliberation.
 3. Department reports to CJTC regarding the separation from employment of an officer.

When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the

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subject employee is protected from public disclosure. In such cases, the Records Manager shall ensure that the name and other identifying information of the subject employee is redacted before the document or documents are released.

All requests for the disclosure of any information contained in any officer's personnel record shall be documented in writing and promptly brought to the attention of the employee's Division Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved employee or written authorization of the Chief of Police or his/her designee.

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

1026.6 EMPLOYEE ACCESS TO OWN FILE

Employees may be restricted from accessing files containing any of the following information:

- (a) Background information, letters of recommendation, test results, and promotional assessments.
- (b) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline, consistent with applicable law.
- (c) Confidential portions of Internal Affairs files which have not been sustained against the employee.

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command and the department will forward a copy to the City Civil Service department and City Human Resources department. The department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file (RCW 49.12.250).

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1026.7 TYPES OF PERSONNEL FILES

Employee personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.
- (b) Disciplinary action;
 - 1. Disciplinary action resulting from sustained findings. Findings will be maintained in personnel files as per employee Collective Bargaining Agreements.
 - 2. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (c) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).
- (d) Personnel Action Authorization forms reflecting assignments, promotions and other changes in the employee's employment status.
- (e) A photograph of the employee.

1026.7.2 SHIFT FILE

The shift file should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations shall be transferred into the shift file within 30 days.
 - 1. All materials intended for this interim shift file shall be discussed with the employee prior to being placed in the file.
 - 2. Duplicate copies of items that will also be included in the employee's department file such as internal affairs finding notices, commendations, etc., may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 - 3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
 - 4. Shift files shall be purged of all material that exceeds two years, plus the current PAR rating period.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILES

All internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Internal Affairs Unit. These files shall contain:

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- (a) The complete investigation of all formal complaints of employee misconduct regardless of disposition
 - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 10-01, 10-02). The case file information shall be logged into IA Pro.
 - 2. All investigative files shall be maintained for six years plus the current calendar year after the disposition of the case is resolved.
- (b) Investigations which result in other than a sustained finding shall be maintained under the same guidelines.
- (c) Additional files that are stored in the Internal Affairs office, including inquiries, collision reviews and use of force reports shall be maintained for six years plus the current calendar year. The index information stored in IA Pro shall be maintained indefinitely.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Division for each employee. Training files will contain records of all training and education.

- (a) It shall be the responsibility of the involved employee to provide the Training Division completed training/education in a timely manner
- (b) The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the employee's Training File

1026.7.5 MEDICAL FILE

The medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 PURGING OF FILES

Personnel records shall be maintained and may be destroyed as specified in the current [Records Management Guidelines and General Records Retention Schedules](#) (Schedule Number L02 and L03). The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management (RCW Chapter 40.14).

- (a) Each supervisor responsible for completing the employee's performance evaluation will forward the original document to the police personnel department. Retention will be in accordance with the aforementioned retention guidelines.

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- (b) Approval for such retention beyond the guidelines shall be obtained through the chain of command from the Chief of Police.

1026.9 BRADY MATERIAL IN PERSONNEL FILES

In the Brady v. Maryland decision, 373 U.S. 83 (1963), the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence that is favorable to the accused and material on the issue of guilt or punishment. Such evidence may include information that may impeach the credibility of an officer who is a witness in a criminal case. If an officer is a witness in a criminal case, the officer's personnel file will be reviewed by the Chief of Police or designee for Brady material. Information subject to disclosure under Brady may include sustained findings of misconduct involving dishonesty, evidence of the improper use of force, and evidence tending to show a bias or some motive to lie.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 SPECIAL AWARDS

Medal of Valor - The Medal of Valor is the highest recognition of achievement presented by the Spokane Police Department. The Medal of Valor shall be awarded to department employees who distinguish themselves with extraordinary acts of bravery or heroism above and beyond that which is normally expected in the line of duty. Employees must have displayed extreme courage by placing their own safety in immediate peril in the pursuit of their duties.

Silver Star - The Silver Star shall be awarded to department employees who have displayed courageous actions, which were above and beyond that which is normally expected of an employee. These acts of courage do not rise to the level of the voluntary risk of life requirements for the Medal of Valor, but are displays of exemplary acts of bravery.

Medal of Merit - The Medal of Merit shall be awarded to department employees who distinguish themselves by meritorious achievement or meritorious service. Meritorious actions are those, which clearly surpass that which is normally required or expected. The degree of merit need not be unique but must be exceptional and superior.

Chief's Citation - The Chief's Citation shall be awarded to the members of a team or unit for participating in an incident, event, or series of events or project, which has a substantial positive impact on the community or the police department. The incident, event, or series of events or project will be superior in nature and further the department's mission and overall effectiveness.

Purple Heart - The Purple Heart shall be awarded to department employees who receive a wound or injury of a degree necessitating hospitalization or the immediate care of a physician. This injury must be of a serious nature capable of causing death or extended disability. To qualify for this award, the wound or injury must have appeared to have been caused by the deliberate actions of another in an attempt to cause injury to the employee or some other person, thing, or property; or in the attempted apprehension of said person; or in an attempt to save a human life placing oneself in immediate peril.

Lifesaving Medal - The Lifesaving Medal shall be awarded to department employees who, by their immediate actions, have saved a human life under unusual and/or extraordinary circumstances. The action must have been personally performed by the employee. The life-sustaining action must be confirmed by a competent authority.

1030.3 EMPLOYEE OF THE QUARTER

Each unit will establish its own process for making nominations to their division commander. Division commanders will submit nominations through their chain-of-command to their bureau commander (Major). Each Major will submit one nomination to the Assistant Chief for submission to the Awards Committee. The nominations may be based on one of the following criteria:

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- A specific act of unusual meritorious service.
- A specific project of significance to the community, city, or department.
- Sustained superior performance of assigned duties.

The Employee of the Year will be selected from the four Employees of the Quarter.

1030.4 OUTSIDE AWARDS

When an officer receives a law enforcement award from outside the department, a memorandum will be forwarded to the Chief of Police requesting authorization to wear the award on the uniform. A photocopy of the award shall be attached to the memorandum.

The memorandum will explain the source of the award, how it is related to law enforcement, and a proposal on how the award will be worn.

The Chief of Police will respond in writing approving or denying the request. A copy of the request and approval/denial will be placed in the individual's department personnel file. No awards will be worn on the uniform without the approval of the Chief of Police.

1030.5 WEARING OF MEDALS, BARS, PINS, AWARDS

(a) MEDALS

1. Medals are awarded for Valor, Silver Star, Merit, Purple Heart and Life Saving.
2. Medals will be presented at the Annual Awards Ceremony.
3. Medals may be worn at subsequent Annual Awards Ceremonies.
4. Medals may be worn with the dress uniform.

(b) BARS

1. Bars are awarded for Valor, Silver Star, Merit, Purple Heart, and Lifesaving.
2. Bars will be presented during at the annual awards ceremony.
3. Bars become a permanent part of the uniform and will be worn on the right side of the uniform shirt, centered above the nameplate.
4. When two or more bars are authorized, they will be worn next to each other with the highest award nearest the center of the chest.
5. Should all five bars be authorized, the Medal of Valor shall be centered above the other four bars. No other pin shall be worn when all five bars are worn.
6. Only one bar of each category will be issued for a multiple recipient.

(c) STATE OF WASHINGTON MEDAL OF HONOR

1. The State Medal of Honor shall be the highest award given to an employee of the Spokane Police Department.
2. This bar will be worn ahead of all other bars, and will comply with the rules established in section B above.

1030.6 AWARDS COMMITTEE

The Awards Committee shall consist of one representative of the Chief's office (Committee Chair), one representative from the Captains/Lieutenants Association, one representative from the Police Guild, one representative from Local 270, and one representative from the Police Advisory Committee. The committee shall establish its own procedures for voting and

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conducting business. The committee shall consider nominations for awards, and Employee of the Quarter and Year. Committee members shall be responsible for:

- Verifying the nomination documents.
- Conducting fact finding investigations when necessary, to include interviewing the nominator.
- Ensuring that the nomination documentation meets the criteria of the award.
- Medal of Valor awards require a unanimous vote, and other awards a simple majority.
- Forwarding their recommendations to the Chief of Police for final approval.

Recommendations for all employee awards will be submitted through the employee's chain of command. An electronic copy will be sent via email to the Assistant Chief.

All Medal of Valor recipients shall be considered for submission to the State of Washington for the Medal of Honor. The committee shall use the guidelines outlined under the state criteria for all of their recommendations for state awards. All Medal of Valor recipients shall be considered for submission to the International Association of Chiefs of Police (IACP) for the IACP Officer of the Year award. The committee shall use the guidelines outlined under the IACP criteria for all of their recommendations for IACP awards.

1030.7 ANNUAL AWARDS CEREMONY

- In the first quarter of each year, a formal presentation of awards will take place. The ceremony will be for family, friends, city officials, department officials and personnel, and the media.
- The presentation will be made by the Chief of Police, who will offer a synopsis of the event(s) giving rise to the honoring of the individuals.
- The Employees of the Quarter will be present, and the Employee of the Year will be selected from the four quarterly winners.
- A cake and punch reception will follow the ceremony.
- Appropriate recognition will be made in the department and city newsletters, and a press release will be disseminated.

1030.8 RETIREMENT NOTIFICATION/PLAQUES/CEREMONY

- (a) The Spokane Police Department will conduct a retirement ceremony for all employees retiring from the department. The unit commander should be notified by the employee at least 30 days prior to the date of retirement to prepare for the ceremony.
 - 1. The ceremony will be organized, arranged, and conducted by the employee's unit commander.
 - 2. If the employee declines the opportunity for a formal ceremony, he/she will receive his/her retirement credentials from the Police Personnel Unit at his/her convenience.
- (b) Each retiring officer will receive a plaque, retirement badge, credentials, and carrying case.
- (c) Each retiring non-commissioned employee will receive a plaque.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

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. Nothing in this policy is intended to negate the department's reasonable accommodation responsibilities as required by law.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each employee of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each employee of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the department to assess options and react responsibly to assure the safety of the employee, other members of the department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Commander or employee's available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police, through the chain-of-command, shall be promptly notified in the event that any employee is relieved from their duty assignment.

1032.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments, or he/she may be required to use sick leave or other paid time off consistent with applicable policies.

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Fitness for Duty

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1032.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating or evaluating physician or psychologist shall be part of the employee's medical section of their confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.
- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

1032.6 LIMITATION ON HOURS WORKED

To protect the health and welfare of employees and the department, supervisors and employees should provide for reasonable rest periods between shifts. Where the supervisor and employee determine that the employee is not sufficiently rested to work safely and effectively, the employee should be relieved to off-duty status. If the employee is not sufficiently rested owing to volunteering for extra duty, off-duty, etc., the employee shall be required to use accumulated leave time for time lost during the rest period. If the employee is not sufficiently rested owing to the needs of the department, the employee shall be granted administrative leave for any time lost during the rest period. If the supervisor and employee dispute whether the employee should be relieved to off-duty status or the reason therefore, the dispute shall be immediately referred to the duty staff officer and the Guild president or designee for resolution. Any remaining dispute should be referred to the grievance procedure for resolution.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

Meal periods and breaks shall be governed by respective Collective Bargaining Agreements and work unit standard operating procedures.

Payroll Procedures **THIS POLICY IS UNDER REVISION**

1036.1 PURPOSE AND SCOPE

Pay sheets are submitted to Administrative Services for payroll purposes.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME CARDS

Employees are responsible for the accurate and timely submission of time cards to their supervisor. Supervisors shall submit payroll records to Administrative Services.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays.

Overtime Payment Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreements.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Compensatory time shall be administered in compliance with Collective Bargaining Agreements.

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms to their immediate supervisor. When the immediate supervisor is not available, another unit supervisor may sign the form with a copy submitted to the employee's supervisor. and then forward them to Administrative Services as soon as practical.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. All required signatures must be on the overtime card.

Extra Duty and Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. In all cases of extra duty and outside employment, the primary duty and obligation of an employee is at all times to the department. The employee and the department shall avoid extra duty or outside employment that would tend to lower the dignity of the police profession or involves actual or apparent conflicts of interests. This policy pertains to both commissioned, non commissioned, and temporary/seasonal employees of the department. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Extra Duty Employment - This entails officers working law enforcement or security related assignments whether in uniform or not. All officer assignments will come through the Office of Special Events/Extra Duty Employment. Assignments for work details will be scheduled in accordance with extra duty employment standard operating procedures and applicable collective bargaining agreements.

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1040.1.2 LIMITATIONS ON EXTRA DUTY AND OUTSIDE EMPLOYMENT

On duty restrictions: Employees shall not engage in extra duty or outside employment while on duty.

On call restrictions: For purposes of eligibility for extra duty assignments, an employee who is "on-call" is not deemed eligible for such assignment.

Soliciting employment: Employees shall not solicit or accept outside/extra duty employment under the pretext that the City of Spokane requires police employees to be used for a particular function or that the outside employer will receive better police service if the employer is known to employ police employees.

Ability to perform: Employees shall not engage in outside employment that adversely impacts their ability to perform duties as police department employees.

Uniform: Employees will be in full duty uniform for the extra duty shift, unless specifically directed otherwise by the Special Events Office.

Primary obligation: Employees are subject to call by the department at any time for emergencies, special assignment, or overtime duty. Outside employment shall not infringe on this obligation.

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Misuse of authority: Employees shall not misuse the authority of their office while engaged in extra duty or outside employment.

Duty status: An employee engaged in authorized extra duty employment of a police nature is considered to be in an on duty status. Officers shall not engage in extra duty work if they are on injured or light duty status with the department.

Cancellations: A committee consisting of a representative assigned by the Guild president and the extra-duty employment coordinator will develop a procedure for cancellations of extra-duty assignments. If the committee cannot reach agreement, any dispute will be resolved by the Guild president and Chief of Police.

Failure to report for duty: If an employee fails to follow the established cancellation procedure, the same procedures will apply that pertain to unexcused absence or tardiness for regular duty. The employee working extra duty is on duty in the employ of the Spokane Police Department under the contracted agreement through the department and as such is subject to the same provisions as other duty assignments. Violations will be reported through the Special Events chain of command.

Compensation to employees: Employees shall be compensated by the city and shall not accept compensation directly from any extra duty employer, and shall accrue all benefits in accordance with law and collective bargaining agreements. Officers shall not enter into their own contracts for such services.

Use of city equipment: City equipment utilized by employees during extra duty employment may be charged to the outside extra duty employer. Generally, police vehicles will be a contract item, unless it is determined to be in the best interest of the City of Spokane. The Special Events Office will determine the costs associated with the equipment and the appropriateness of utilizing police vehicles during such employment.

Law enforcement obligation: Employees engaged in extra duty employment are expected to discharge all duties of their office, to enforce all laws and ordinances, and to adhere to all department policies and procedures.

Supervision: Whenever an outside extra duty employer requests four or more employees to work an extra duty assignment, a supervisor may also be required to direct the employees' activities. When employees are working at an extra duty assignment without permitted supervision, the employees are responsible to the on duty Uniform Division Shift Commander.

Volunteering of time: Officers are not allowed to donate time in uniform or of a law enforcement nature, when that function is similar to duties performed for the Spokane Police Department.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any extra duty or 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 extra duty and outside employment, the employee must complete an Extra Duty or an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

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If approved, the employee will be provided with a copy of the approved authorization. Employees shall not engage in outside/extra duty employment during the initial probation period (entry-level) without written approval of the Chief of Police. Unless otherwise indicated in writing on the approved authorization, an outside employment authorization will be valid through the end of the calendar year in which the authorization is approved. Any employee seeking to renew a permit shall submit a new outside employment application in a timely manner. An authorization to work extra duty does not require yearly renewal.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the employee's current collective bargaining agreement.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT AUTHORIZATIONS

Any extra duty or outside employment authorization 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 below acceptable standards, the Chief of Police may, at his/her discretion, suspend or revoke any previously approved extra duty and/or outside employment authorization(s). The suspension or revocation will stand for a set period of time. At the completion of this set time, the employee may apply for reinstatement of privileges. Satisfactory job performance and the recommendation of the employee's immediate supervisor are required.
- (b) Suspension or revocation of a previously approved extra duty and/or outside employment authorization may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment authorization, an employee's conduct or outside employment conflicts with the provisions of department policy, the authorization may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment authorization may be rescinded until the employee has returned to a full duty status.
- (e) Or, if conflict occurs in police duties.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which in its view, would:

- (a) Present concerns regarding the employee's use of departmental time, facilities, equipment or supplies, the use of the department badge/police powers, uniform, prestige or influence for private gain or advantage.

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- (b) Present concerns regarding 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) Involves 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) Raise concerns regarding time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1040.3.1 SECURITY EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this department may engage in any outside employment as a private security guard, private investigator, loss prevention agent, bodyguard, bail enforcement agent, or other similar private security position.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid authorization, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work authorization, a notice of revocation of the member's

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authorization will be forwarded to the involved employee, and a copy attached to the original work authorization.

Criteria for revoking the outside employment authorization include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the city's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Spokane Police Department, a request (in writing) may be made to the Chief of Police to restore the authorization.

On Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the City Risk Management department to ensure that proper medical attention is received, and that the circumstances of the incident are properly documented.

1042.2 WORKER'S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to the police payroll office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Injured employees shall be provided a Self-Insurer Accident Report (SIF-2) form F207-002-000 (WAC 296-15-320(2)).

1042.2.2 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor. If the employee's immediate supervisor is unavailable, it shall be reported to the supervisor in charge.

Any employee witnessing a work related injury or illness, shall fill out the Witness Statement form.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the department.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

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All employees are required to fully cooperate with accident investigations in accordance with collective bargaining agreements.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office. Employee's who request a Self-Insurer Accident Report (SIF-2) form F207-002-000 shall be provided the form (WAC 296-15-330(2)). The supervisor will review all forms submitted by the employee. They will also ensure that appropriate forms are filled out and submitted to the police payroll office within 48-hours following injury.

For work-related accidents, injuries, and illnesses not requiring professional medical care, an Employee Injury Report form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Bureau Commander, through the chain of command.

When an accident, injury or illness is reported initially on the "Employee's Injury Report" form and the employee subsequently requires professional medical care, the State of Washington "Self Insurer Accident Report (SIF-2)" form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Bureau Commander as soon as they are completed.

1042.2.5 BUREAU COMMANDER RESPONSIBILITY

The Bureau Commander receiving a report of a work-related accident, injury or illness should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1042.2.6 PAYROLL'S RESPONSIBILITY

Police Payroll shall review and forward copies of the report to the Human Resources Department and retain one copy in the employee's personnel file.

1042.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Employee's Injury Report form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the city, and/or other insurers are entitled to recover civilly. To ensure that the city's interests are protected and that the employee has the benefit of the city's experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered

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a settlement of claims, that employee shall take no action other than to make a written memorandum of this contact to his/her supervisor as soon as possible, which shall be forwarded through the chain-of-command to Risk Management.

1042.4.2 SETTLEMENT

All settlements will be coordinated through Risk Management and/or the city legal department.

Light Duty

1043.1 PURPOSE AND SCOPE

The department will attempt to assign employees to available work when an employee is temporarily disabled from performing his/her regular duties and is released by his/her physician for temporary light duty assignment. It is the department's policy that there are no permanent light duty assignments.

1043.2 ELIGIBILITY FOR ASSIGNMENT

Non-commissioned employees:

City Policy HR-27 governs non-commissioned employees' temporary light duty. Employees governed by HR-27 shall notify their immediate supervisor of their intent to request light duty and shall keep their immediate supervisor informed of any changes to their light duty status or work assignment. Commissioned employees:

Collective bargaining agreements and the LEOFF I Pension Board governs temporary light duty for commissioned officers.

1043.3 REPORTING

Commissioned supervisors who become aware of employees with an L&I injury will notify the administrative sergeant and Payroll by the end of the shift by e-mail of such injury and the possible need for light duty.

Commissioned employees will notify the administrative sergeant as soon as possible as to their light duty status. In order to accommodate the varying light duty schedules, the employee shall notify the administrative sergeant on the date cleared by the physician. The employee will ensure the following documentation is completed prior to assignment:

- Have his/her doctor complete a City of Spokane Risk Management Physician Disability Statement. The form includes restrictions, medications, etc.
- Submit the City of Spokane Risk Management Physician Disability Statement, and the letter to the Office of the Chief of Police
- Prior to returning to full duty, provide the administrative sergeant with a new City of Spokane Risk Management Physician Disability Statement (with the "may return to full duty on" dated and signed by your physician).

The employee shall keep the administrative sergeant apprised of any changes in condition (faster than anticipated recovery time, upcoming surgery, etc).

While assigned to a light duty assignment, employees shall notify their immediate (light duty) supervisor if a specific task may cause re-injury or unreasonable discomfort.

The administrative sergeant shall:

- ensure that appropriate paperwork is completed and will maintain an employee light duty file in the administrative sergeant's office. The file will serve as a central repository for all light duty issues pertaining to a given employee, including assignment, updated status and return to full duty information.

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- ensure that the light duty employee is assigned to an available position consistent with medical restrictions and the 'Light Duty Positions/Assignments' priorities set forth by the Office of the Chief of Police.
- advise the Office of the Chief of Police two weeks prior to the six-month limit of the light duty assignment.

Unit managers shall ensure that all appropriate payroll forms are completed pertaining to the light duty employee. Managers will keep the administrative sergeant apprised of any related condition or work status changes affecting the employee.

1043.4 LIGHT DUTY ASSIGNMENTS

Light duty assignments will be limited to duties and activities that are in compliance with the attending physician's directions and restrictions.

Assignments will be jointly made by the Bureau Commanders.

All issues and assignments regarding light duty are to be coordinated through the administrative sergeant. This includes all officers regardless of present rank or assignment.

Light duty assignments are based upon departmental need. Unit managers to which the employee is assigned will determine the shift and days off.

Supervisors shall minimize the risk of re-injury to light duty employees in any way possible.

Employees assigned to light duty will not drive police vehicles equipped with emergency equipment. Any light duty assignment where the temporary use of a city vehicle is required for completion of the assigned task will first be cleared by the administrative sergeant.

While on light duty, employees will not be in an "on-call" status (S.W.A.T., hostage negotiator, collision investigator, etc).

While on light duty, employees will not be approved for any assignment that would entail overtime.

While on light duty, employees will not work an extra-duty assignment.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 BEARDS

Beards or a growth of whiskers shall be permitted only for medical or bona fide religious reasons, or when required by the nature of the assignment. Non-uniformed officers may wear a beard. This beard will present a professional appearance. The concerned commanding officer shall determine the appropriateness of a beard.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Uniformed female officers wearing nail polish shall use a conservative shade, without decals or ornamentation, and shall not detract from uniform appearance.

1044.2.6 JEWELRY, BODY PIERCINGS/ALTERATIONS, AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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Personal Appearance Standards

Visible body piercings shall not be worn by uniformed employees without permission of the Chief of Police or his/her designee. Only one ring set may be worn on each hand of the employee while on-duty.

Body alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

1044.3 TATTOOS

While on duty or representing the department in any official capacity, tattoos or body art shall not be visible while wearing the uniform of the day or business attire.

The office of the Chief is in agreement with the Spokane Police Guild and the Lieutenants' and Captains' Association that a "grandfather" clause is appropriate for members with existing tattoos. Members who have tattoos that are visible while wearing the uniform of the day or business attire, upon implementation of this policy revision, will be "grandfathered" and considered to be within policy (effective date of agreement July 1, 2003).

1044.4 EARRINGS

Female officers may wear earrings that do not present a safety hazard. Earrings must be a post with a safety back and shall be no larger than a 1/4 inch in diameter. Earrings shall not display graphic images, pictures, or slogans of an offensive nature or religious symbolism. Earrings shall be limited to one earring per ear.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Spokane Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 348.52 courtroom attire

Section 700 - department owned and personal property.

Section 1024 - body armor.

Section 1044 - grooming standards.

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

Wearing of winter/summer uniforms:

- (a) All members serving in a uniformed capacity shall wear the winter uniform from November 1 to February 28/29.
- (b) All members serving in a uniformed capacity may wear the summer uniform March 1 to October 31.
- (c) Uniformed officers have the option of wearing long-sleeve uniform shirts and may be worn open-collar throughout the year.
- (d) Uniformed members assigned to front desk duty or indoor administrative functions may wear short-sleeved shirts throughout the year.
- (e) 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.
- (f) 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.
- (g) Personnel shall wear only the uniform specified for their rank and assignment.
- (h) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (i) All supervisors will perform monthly inspections of their personnel to ensure conformance to these regulations.
- (j) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

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- (k) 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 authorized events.
- (l) 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.
- (m) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (n) Mirrored sunglasses will not be worn with any department uniform.
- (o) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The department issues each employee official department identification cards bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of a department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.
- (c) All members of the department shall display official department identification or badge when within the secured areas of the Public Safety Building.

1046.3 UNIFORM SPECIFICATIONS

Dress Uniform:

Spokane Police Department Class A dress uniform blouse conforming to the Uniform and Equipment Guide:

- Horace Small 55/45, #4446
- Fechheimer 55/45, #34891

The Class A uniform blouse shall be worn with regulation trousers. It is not designed to be worn with a duty belt.

Dress Uniform, Honor Guard:

Spokane Police Department Honor Guard dress uniform is available through local distributors as a custom made item. The Honor Guard dress blouse shall be worn with the Honor Guard dress trousers (with one inch medium blue strip on outside side seam), patent leather "Sam Browne" belt with shoulder strap, and traditional eight-point visored hat. All officers serving on the Honor Guard are required to have an Honor Guard dress uniform. The Honor Guard dress uniform shall be worn only by members of the department's Honor Guard.

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Traffic Unit Uniforms:

The winter uniform shall be the same as that authorized for all patrol officers. The summer white shirt approved for use by the units will be of the same general design as the winter shirt but will be a lighter short-sleeve cotton/poly blend.

- Motor breeches shall be "Tacoma Style" breeches, dark navy blue, 100% stretch wool.
- Summer gloves shall be black leather, except that while directing traffic, they may be bright red or reflective orange. Possession of "sap" gloves or any glove loaded with weight is prohibited. Winter gloves for cold weather riding can be any brand as long as they are black.
- Motorcycle boots are custom built. The standard required is black smooth toe and an 18" tube top.
- The rain gear shall be medium navy blue in color with a reflective white stripe down the legs on the outside seam, around the cuffs of the jacket and across the back at the yoke. The material shall be a Gore-Tex type provided by the manufacturer.
- The motorcycle helmet shall be a full-face model issued by the department.
- The leather motorcycle coat will only be worn while on active motorcycle duty. The leather coat will be worn with name tag and badge.

Shorts:

The wearing of navy blue department approved shorts is subject to the following conditions:

- Shift commanders may authorize the wearing of shorts for beat assignment, park assignments, or special assignments where the assigned officers are subjected to prolonged exposure to the sun.
- The wearing of shorts will be authorized for walking assignments such as Hoopfest, Neighbor Days, and other special events, as authorized by the division commander.
- The shorts must be worn with the department approved white duty uniform short-sleeved shirt, or white department polo shirt with white t-shirt. All SPD identifiers, badges, and patches will be attached to the shirt as per policy.
- Black athletic footwear (as per policy) will be worn with the shorts. Socks will be white in color, have no visible logos or brand names, and will be no higher than ankle length.
- The cost of purchasing and replacing the shorts and white uniform shirt is the sole responsibility of the individual officer. The shorts and white uniform shirt will be treated as personal property, and may be repaired or replaced, when damaged or lost while in the line of duty, in accordance with existing labor agreements.

Bike Uniform:

The following are the required uniform items and equipment that are to be worn by bicycle patrol officers while in the performance of uniform patrol duty:

- Department approved white polo shirt or white uniform short-sleeved shirt with white t-shirt worn beneath it.
- Department approved LA blue bicycle shorts or dark navy long pants by Hollywood Shorts.
- Department approved bicycle or athletic shoes.
- Department approved bicycle helmet.

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- Department approved eye protection.
- Solid white socks, ankle length, with no visible logos or brand names.
- Duty gear (gun belt and accompanying accessories/body armor).
- Department approved jacket.

Following are optional equipment that may be worn by bicycle patrol officers while on duty:

- Bicycle gloves
- Spandex black or navy blue bicycle shorts (may be worn under required bicycle shorts).

Except for the bicycle uniform shirt, the purchase and replacement of bike uniforms will be the responsibility of the individual officer. Damaged items will be repaired or replaced in accordance with existing labor agreements.

Department purchased bike uniform items and equipment shall be returned to the quartermaster at the end of the seasonal bike patrol program.

Sweaters:

Uniformed patrol personnel and Senior Volunteers are allowed to wear a sweater during the months that a winter uniform is permitted. Insignia of rank will be worn on the collar of the uniform shirt when the sweater is worn. The following fabrics are approved for the patrol sweater:

- 100% wool
- Dacron/wool blend (washable)

The color of the sweater shall be a dark navy blue.

The following manufacturers and models meet the specifications in the Uniform and Equipment Guide:

- Blauer #200 (available in both 100% wool and Dacron blend).
- Horace Small #719 (available in both 100% wool and Dacron blend).
- Fechheimer Command Sweater #00800 (with wind-stopper, #00810).

T-shirts:

The t-shirt worn under the uniform shirt shall be dark navy blue in color. No visible logos, advertising, or other pictures or printing will be allowed to show at the top of the open uniform shirt. The t-shirt will be maintained in a good condition, and when faded, torn or when the crew neck begins to wear noticeably, it will be replaced. The sleeve length of the t-shirt will be shorter than that of the uniform shirt and it will not be allowed to show past the end of the sleeve of the uniform shirt. The crew neck of the t-shirt will not be more than 1" in height and will fit snugly around the neck of the officer. Black t-shirts shall be worn with the department jumpsuit.

Turtlenecks:

The department authorized turtleneck top may be worn under the uniform shirt or jumpsuit during the time of year that the winter uniform is required. The sleeve length of the turtleneck

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will not show past the end of the sleeve of the long-sleeve uniform shirt. Mock-turtlenecks made by the authorized manufacturer may be worn in lieu of the full turtleneck.

Authorized turtleneck:

- Brand: SFKM or Under Armour. NO EXCEPTIONS
- Color: Navy blue for the duty uniform; black for jumpsuits.
- Embroidery: "SPD" will be embroidered 2" left of center and vertically centered between the neck seam and the top fold. The "SPD" lettering will be 1/2" block font. Thread color will be "Bright White" for officers and "Athletic Gold" for supervisors. No other logos are to be visible.

Uniform tie:

Ties shall be worn when wearing long-sleeve uniform shirts for court appearances and public presentations, regardless of the time of year. Clip ties are permitted.

Socks:

The socks worn by uniform officers will be black while wearing uniform shoes. No visible logos, advertising, or other printing or pictures will be allowed. The socks will extend up the calf from the heel a minimum of 10", and will be of sufficient length and snugness as to cover the calf when seated or with legs crossed.

Hats:

A baseball type hat is approved for use by uniformed officers. The color and printing on the hat shall be department approved.

Note: Specialty unit hats (SWAT, TAC, EDU, etc.) may be worn only while functioning in the applicable specialty unit and when necessary for officer identification, not while serving as a uniformed patrol officer.

- Specifications: The hat shall be an exact size, all wool or all wool blend six-panel hat. It shall contain a reinforced heavyweight haircloth front. The hat shall have embroidered eyelets, cloth sweatband and an eight row stitched visor.
- Watch caps: During inclement weather or during the period when winter uniforms are required, officers are authorized to wear a navy blue, tight knit, military style watch cap. No visible logos, advertising or other printing or pictures will be allowed.

Jackets:

The department issued jacket will be dark navy blue. Other previously authorized jackets will be permitted until such time as they are deemed to be no longer serviceable.

Gloves:

Gloves may be worn with the uniform. They shall be black, or when directing traffic may either be red or reflective orange. Possession of "sap" gloves or any gloves loaded with weight is prohibited. Bicycle or half-fingered gloves may only be worn when on authorized bicycle duty. All other gloves must cover the full hand.

Footwear:

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Uniformed members shall wear plain black-laced oxford style shoes while on duty. The surface may have a factory shine (i.e., patent leather), but will be polish-able. Also authorized are laced athletic shoes that are plain black, with no stripes or logos of a contrasting color. No buckles, straps, or other fastening mechanisms are authorized. The surface of these shoes must be polish-able, and cannot be a suede or other brushed surface.

Authorized wear will also include black, plain round-toed boots, again with a polish-able surface. Black nylon material may be used in the ankle support area of the boot. The soles may be leather, rubber, composition, or crepe, but will not be thicker than ". Heels may be leather, rubber, composition, or crepe, but will not be thicker than 2", measured from the welt to the heel plate at the rear of the heel.

Jumpsuit:

The following described jumpsuit is authorized as a daily utility uniform for the patrol division. Officers will be issued two summer weight and two winter weight jumpsuits, after completing probation. The jumpsuit will be considered Department property. The longevity of the jumpsuit is about six years. Reordering will be on a case-by-case basis. Damage to the jumpsuit will be reported to the Quartermaster for repairs. Laundering of the jumpsuit will be the responsibility of the officer. They are to be washed in cold water and hung dry. If officers have been exposed to a bio-hazard, the officer will place the jumpsuit in a bio-hazard bag listing the type of exposure. The Quartermaster will make arrangements for the special cleaning. The jumpsuit will only be worn when on patrol. The Class A uniform will be worn for court, indoor assignments when off duty, parades, and official meetings. An authorized black turtleneck, mock turtleneck, dickey or T-shirt will be worn with the jumpsuit.

Jumpsuit Specifications:

- Only jumpsuits purchased from Bratwear, of Tacoma, are authorized.
- Black, long-sleeved winter weight.
- Black, short-sleeved summer weight.
- Only approved metal pins or badges will be authorized on the jumpsuit.
- Eplets on both shoulders.
- Mic. Loop placement optional.
- Pockets will be standard for all jumpsuits.
 - Two zippered pockets at chest, one right, one left with a pen holder.
 - Two front mid-thigh pockets one right, one left.
 - Two back pockets, one right, one left.
 - Flashlight pocket.
 - Taser, and knife pocket optional.

Uniform Gun Belt:

The uniform gun belt with matching accessories will be black leather, basket weave design. The officer's holster shall be worn on the strong side. Other than the holster, the location of an officer's equipment on the belt will be optional. The patrol officer's uniform gun belt shall:

- Completely conceal the trouser belt.

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- Unless equipped with hook loop fastening material (Velcro-type material), have a silver buckle centered at the front of the belt, with the buckle being brass colored for sergeant and above.
- Have the following equipment to be carried for field duty:
 - Two fully loaded ammunition carriers for the primary weapon.
 - Department authorized holster and weapon.
 - Handcuff case, handcuffs and handcuff key.
 - OC 10 canister and holder.
 - Portable radio holder and Department-issued radio.
 - Rubber glove holder (optional).
 - Department authorized Taser and holster

Officers may purchase a knife or multi-tool and matching case at their own expense to be carried on duty. Cases must be worn on the duty belt, in a convenient location. The knife must be a folding type (locking preferred), with a blade not to exceed 4" in length. The case must be black in color to match the material of the rest of the officer's equipment. Knives are considered a utility tool.

Non patrol officers assigned to field duty shall carry:

- Department issued, or Department approved, holster.
- Spare magazine.
- Department issued, or Department approved, handcuffs.

Uniform gun belt harness:

An approved gun belt harness may be worn upon approval of the Office of the Chief. The purpose of the gun belt harness is to provide additional and needed support while wearing a uniform gun belt. Officers with a medical condition will be authorized to wear an approved gun belt harness. Officers must submit a letter of request, to include a letter from a physician, to the Office of the Chief. The initial purchase and replacement of a uniform gun belt harness is the sole responsibility of the officer.

1046.3.1 UNIFORM ACCESSORIES

Service stripes reflecting total law enforcement commissioned time shall be worn on the left cuff of the long-sleeve uniform shirt. Each service stripe will represent five years commissioned time and will be worn centered on the front sleeve crease 3/4" above the cuff. The service stripes will run laterally left to right, parallel to the cuff. The stripes shall be white up through the rank of corporal/detective, and gold for sergeant and above. When wearing a tie with the long sleeve shirt, officers may chose one of the following three methods of securing the tie:

- Wearing the tie loosely with the bottom portion of the tie not attached to the shirt.
- Attaching the tie to a button of the shirt utilizing the button hole on the lower back portion of the tie.
- By attaching the tie to the shirt utilizing a tie bar. Officers below the rank of sergeant shall have a plain silver tie bar. Sergeants and above shall have a plain gold tie bar. Tie bars will have a flat smooth surface. Tie bars will be a maximum of 2 inches

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in length and a maximum of 5/16 inch in width. Tie tacks and tie chains are NOT authorized. Tie bars with lettering or designs are NOT authorized.

The following pins are optional, and when authorized by training and/or current assignment, one may be worn centered 1/8" above the department name tag on the uniform shirt (not to be worn on the jumpsuit):

- Marksmanship Pin
- Special Weapons and Tactics(SWAT) Pin
- Field Training Officer (FTO) Pin
- TAC Team Pin
- Explosives Disposal Unit (EDU) Pin
- Motorcycle Officer Wings
- Command College Pin
- National Academy Pin
- City Longevity Pin
- Honor Guard Pin
- Crisis Intervention Team (CIT) Pin (CIT patch to be worn on the right collar of the jumpsuit)

Note: Department issued medals (Commendation Bar) and State of Washington Medal of Honor Bar will be worn centered 1/8" above the name tag. Other authorized pins will be worn centered 1/8" above the Medal Commendation Bar. (Refer to the policy on commendations for wearing of more than one Medal Commendation Bar).

The issued uniform badge will be worn centered above the left breast pocket, using the badge reinforcement strip. The issued uniform patches will be worn 3/4" below the seam on the left and right shoulders, centered on the crease of the sleeve on shirts, sweaters, jumpsuits, or jackets. All ranks will wear the patch in the same way. Traffic officers will wear their Department insignias appropriate to their units on the right shoulder, in lieu of the issued uniform patch for that shoulder. Nothing shall be worn on the uniform or as part of the uniform except regulation Department insignias as specified. Members shall not wear mirrored/reflective sunglasses or sunglasses of a distinctive nature which detract from their uniform or professional appearance. Straps used to retain eyeglass wear shall be plain dark navy blue or black in color. Placement of collar brass:

- Open collar shirt-no tie The "SP" will be worn parallel to and 3/4" above the bottom edge of the collar. It will be centered between the point and inside edge of the collar.
- Long sleeve shirt with tie The "SP" will be worn parallel to and 3/4" below the top edge of the collar, and 3/4" from the front edge of the collar. If the long sleeve shirt is worn with an open collar, the placement of collar brass will be the same as the short sleeve shirt.

1046.3.2 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units.

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1046.4 INSIGNIA AND PATCHES

Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.4.1 MOURNING BADGE/BAND PROTOCOL

For line of duty deaths of law enforcement officers, and upon authorization by the Chief of Police, officers are encouraged to wear a black mourning band on their metal duty badges. Doing so will require patrol officers to wear their authorized duty uniform shirts and pants. Taping over metal badges or sewn-on cloth badges is not an authorized method for the display of a mourning band.

For the metal SPD shield/badge, the mourning band shall be worn horizontally, centered halfway between the top and bottom of the badge. At no time shall the mourning band obscure the officer's badge number. The following mourning periods will be observed:

- An officer of this department from the time of death until midnight on the 14th day after the death.
- An officer or deputy from this or an adjacent state from the time of death until midnight on the day of the funeral.
- Funeral attendee while attending the funeral of an out of region fallen officer.
- National Peace Officers Memorial Day (May 15th) from 0001 hours until 2359 hours.
- As directed by the Chief of Police.

1046.4.2 FUNERAL ATTIRE

Uniform personnel shall present the most professional appearance possible when attending an in-the-line-of-duty death. Officers shall:

- Wear the long sleeve class A shirt with tie.
- White gloves are optional.
- Dress uniform may be worn in lieu of a class A uniform.

1046.5 CIVILIAN ATTIRE - ALL EMPLOYEES

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 employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

The following items shall not be worn on duty:

- T-shirt alone
- Flip-flops or thongs

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- Swimsuit, tube tops, or halter-tops
- Cargo pants; the 5.11 tactical pants may be worn for training or special team assignments.
- Spandex type pants or see-through clothing
- Distasteful printed slogans, buttons or pins

The department embroidered badge may be worn on department-approved polo shirts and button down shirt/blouse. Bureau commanders will provide guidance for appropriate shirt styles.

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.

No item of civilian attire may be worn on duty that would adversely affect the reputation of the Spokane Police Department or the morale of the employees.

1046.5.1 NON-COMMISSIONED CIVILIAN ATTIRE

Female Members:

- Dresses and skirts are appropriate and shall present a businesslike appearance. Mini-skirts, mini-dresses and sun dresses are not appropriate.
- Casual slacks may be worn. Capri pants are allowed. Appropriate Capri pant length is mid-calf. Shorts and Cargo pants are not appropriate.
- See-through blouses/sweaters, halters, strapless, tube, tank, and bustier tops are inappropriate. Sleeveless shirts may be worn; however they must cover the top of the shoulder. Sports shirts with collars (polo style) are appropriate. T-shirts are allowed on designated days. Law Enforcement, Public Safety insignias, and brand logos are appropriate. Examples of brand logos are the Polo pony, Tommy Hilfiger flag, Express Lion, etc., small embroidered logo no larger than a twenty-five cent piece (one square inch) in size.
- Blue jean pants are not appropriate, except on designated days.
- Safe, well-maintained, footwear is required. Thongs (flip flops) are inappropriate. Dress sandals will be allowed for non-commissioned support employees.
- Athletic-type shoes that present a businesslike appearance are appropriate. Athletic shoes used primarily for sports activities are not appropriate (e.g., high-top basketball shoes and bright, multicolored, embossed-type running shoes).
- Any questions about appropriate attire should be discussed with the member's immediate supervisor.

Male Members:

- Dress shirts and sports shirts with collars (polo style) are appropriate. T-shirts are allowed on designated days. Law enforcement, public safety insignias, and brand logos are appropriate. Examples of brand logos are the Polo pony, Tommy Hilfiger flag, Express Lion, etc., small embroidered logo no larger than a twenty-five cent piece (one square inch) in size. Tank tops, sleeveless and muscle shirts are not appropriate.
- Dress slacks are appropriate. Shorts are inappropriate. Blue jean pants are not appropriate, except on designated days.

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- Safe, well-maintained, footwear is required. Thongs (flip flops) are inappropriate. Dress sandals will be allowed for non-commissioned support employees.
- Athletic-type shoes that present a business-like appearance are appropriate. Athletic shoes used primarily for sports activities are not appropriate (e.g., high-top basketball shoes and bright, multicolored, embossed-type running shoes).
- Any questions about appropriate attire should be discussed with the member's immediate supervisor.

Wearing of Blue Jeans:

- Blue jeans may be worn by all non-commissioned personnel who work in "non-public" departments. Those departments are defined as Radio, IS, SIU and Gangs.
- Non-commissioned personnel who work in all other departments shall be allowed to wear blue jeans only on Fridays, weekends, holidays and after business hours.
- Blue jean pants shall present a business like appearance. Low rise style, holes, tears, rips, frayed seams, or stains are not appropriate.

Designated days will be classified as follows:

- Saturday
- Sunday
- Holidays (when PSB is closed)

Departments who work with the public shall be allowed to wear blue jeans only on Fridays. After-business hours are defined as Local 270 agreed swing and graveyard shifts. Non-public personnel are those who work in departments not seen by the public.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Spokane Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Spokane Police Department, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the department for the cost of providing the department issued item.

Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

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Replacement of items listed in this order as optional shall be done as follows:

- When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
- When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Spokane Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Spokane Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Nepotism and Conflicting Relationships

1050.1 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.

1050.1.1 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.

1050.2 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.
 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.

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Nepotism and Conflicting Relationships

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
 - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.
 - (f) The department may prohibit relatives and employees who are in a personal relationship, from working on the same patrol team, in a work assignment, or within the same work group.

1050.2.1 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 uninformed, 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 uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Domestic Violence Involving Law Enforcement Employees

1052.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1052.1.1 DEFINITIONS

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

Employee - Means any person currently employed with an agency.

Sworn Employee - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

1052.2 DEPARTMENT RESPONSIBILITIES

Spokane Police Department has the following obligations (RCW 10.99.030 and 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Spokane Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Spokane Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.
- (h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Spokane 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.

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- (j) Provide victims of domestic violence by Spokane 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 Spokane Police Department employees who are alleged victims of violence at the hands of sworn employees of the Spokane 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 Spokane Police Department or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1052.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1052.2.2 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 an SPD employee is involved they shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
 - 2. Issue an administrative order prohibiting contact with the victim if appropriate.
 - 3. Forwarded information on the incident to the professional standards unit 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 they shall:
 - 1. Verify command notification of the employing agency.
 - 2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
 - 3. Ensure that the Spokane Police Department provides appropriate reports and any other requested documentation to the employing agency.

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1052.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence the Domestic Violence Specialist or DV 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 DV Unit Supervisor shall:
 - 1. Contact the victim.
 - 2. Introduce the point of contact.
 - 3. Provide an update regarding the administrative process.

1052.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Internal Affairs Unit 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 Internal Affairs Unit within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Internal Affairs Unit or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within

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24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1052.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) 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.

1052.4.1 RADIO RESPONSE

Employees of Combined Communications Center will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the Shift Commander or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.
- (c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

1052.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
 1. Photographs of the crime scene and any injuries identified.
 2. Statements from all witnesses, including children, if any.
 3. The Domestic Violence Supplemental Report Form.
 4. Seizure of any weapons used or referred to in the crime.
 5. Signed medical releases.
 6. Copies of dispatch (CAD) records.
 7. 9-1-1 call recording preserved.
 8. Statement of the victim; statement of the suspect.
 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.

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10. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

1052.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Spokane Police Department involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Spokane 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 SPD contact information, acting as the point of contact until another assignment is made.

1052.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Spokane Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
 - (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
 - (c) A copy of this policy and any agency confidentiality policy.
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- (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 Spokane Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

PEER ASSISTANCE TEAM

1053.1 PURPOSE AND SCOPE

The mission of the Peer Assistance Team (P.A.T.) is to provide information and emotional support to employees and their families when personal or professional problems may affect them. Official interactions are confidential, providing it does not violate any law or Department regulation. The P.A.T., hereafter known as the Team, may supplement the Department psychologist. The Team is specifically trained for support (Critical Incident Stress Management "CISM"), but is not a substitute for mental health professionals.

A critical incident is defined as, "Any situation faced by personnel that causes them to experience unusually strong emotional reactions which have the potential to interfere with their ability to function either at the scene or later" (Jeffery Mitchell, Ph.D. and co-founder of the International Critical Incident Stress Foundation).

1053.2 CONFIDENTIALITY

RCW 5.60.060 (6) (a) states, "A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the sheriff, police chief, fire chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer or firefighter."

Team members must inform Department members of the limits of their confidentiality and consider potential role conflicts (e.g. supervisor providing peer support). Exceptions to confidentiality may include the following:

- Threats to self
- Threats to others (specific)
- Serious crimes
- Child, spousal or elder abuse

1053.3 GOALS

1. Provide immediate, on site support to members involved in a critical incident.
2. Provide post-incident support to affected members.

1053.4 ORGANIZATION

The Team shall consist of:

- (a) A team leader (sergeant) and one other supervisor (lieutenant) who will have administrative responsibility for the team and report to the Chief of Police.

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PEER ASSISTANCE TEAM

- (b) The PAT Team psychologist who will maintain clinical oversight, facilitate demobilizations, defusings and debriefings. The psychologist will provide evaluations and assist the Team supervisors in team functions, training and meetings.
- (c) The SPD Chaplain(s) who will assist where needed.
- (d) Team members who have received the mandatory, certified CISM training to assist affected officers.

1053.5 ADMINISTRATION

- (a) Individuals receiving peer support may voluntarily choose or reject a Team member by using any criteria they believe is important. They may also decline services provided by the Team.
- (b) The Team may not hamper or impede a disciplinary process of an affected employee.
- (c) Candidates for the Team should be selected based on criteria set forth in this policy, for their abilities and attitude, such as: active listening, empathy, credibility with their peers, experience, maturity, judgment and motivation and monitored by their immediate supervisor.
- (d) Applicants shall complete a specialty unit application and should be selected by the Team, with the approval of the unit commander and Chief.
- (e) Criteria for removal from the Team may include breach of confidentiality, failure to attend training, respond to call-outs, or loss of good standing within the Department.
- (f) Team members should be allowed a leave of absence from the Team when personal or professional conflicts arise.
- (g) Team members should avoid conflicting peer support relationships.

1053.6 TRAINING

All Team members shall attend and receive the basic International Critical Incident Stress Foundation certified training before assignment. On going training will be conducted for the Team. Department supervisors will also receive critical incident stress management training and will be trained in the role of the Team.

1053.7 PROCEDURES

When a situation occurs which has a high probability of creating critical incident stress, the on duty Shift Commander, Incident Commander or command level officer will activate the Team by notification to Radio.

Radio shall call the Team sergeant and the Team psychologist. The Team sergeant (or designee) shall notify the Team lieutenant and the necessary Team members. The Team sergeant/designee shall provide oversight of assignments and coordinate with the Incident Commander.

Movement of affected personnel for defusing, debriefing or assessment shall be coordinated with and approved by the on scene detective supervisor.

1053.8 ADMINISTRATIVE LEAVE

The PAT team will assist with administrative leave.

Department Badges

1054.1 PURPOSE AND SCOPE

The Spokane Police Department badge and uniform patch as well as the likeness of these items and the name of the Spokane Police Department are the property of the department and their use shall be restricted as set forth in this policy.

1054.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1054.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Spokane Police Department.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1054.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1054.2.3 RETIREE BADGES

Upon honorable retirement, employees may keep his/her assigned duty badge for display purposes. Honorable retired employees will also be issued a "retirement" flat badge. The retirement badge will be gold in color and issued in a wallet case. It is intended that these badges be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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Department Badges

1054.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Spokane Police Department.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Vertical Staffing Process

1057.1 PURPOSE AND SCOPE

The intent of the vertical staffing process is to provide all members of the Spokane Police Department a voice in identifying and resolving work and community issues in a constructive environment.

Vertical staffing process will be utilized to problem-solve issues brought forward from individuals of all ranks and classifications within the SPD, to include problems brought forward from the office of the Chief.

This professional model provides work groups with additional resources enabling them to complete a comprehensive work product. All work products will be reviewed by the Steering Committee prior to presentation to Senior Staff.

Issues or concerns with the vertical staffing decisions will be brought to the coordinator for resolution.

1057.2 VERTICAL STAFFING MEMBERS AND ROLES

Coordinator

The Office of the Chief shall assign a lieutenant to serve as the Coordinator. The role of the Coordinator is to assist in the smooth transition between committees, and to be a resource for the Chairperson and work groups. The Coordinator will approve all projects and staff assigned to the project work groups. The Coordinator will update Senior Staff as to the projects being worked and the status of those projects. Tracking hours spent working on each project will be the responsibility of the Coordinator. The Coordinator will assist in the process in a support role. Completed projects will be archived and maintained by the Coordinator.

Chair

A steering committee is lead by a "Chair-Person." This individual may be of any rank or classification. Their role is to maintain focus and direction for the Committee. The Chair is also responsible to ensure the research for each project is thorough, complete and unbiased. The Chair is responsible to gather volunteers and select committee members from a cross-section of the Department. The Chair will ensure the projects are completed in a timely manner. The chair position is a voluntary assignment.

Co-Chair

A person designated by the Chair to lead the Vertical Staffing Committee in the absence of the Chair.

Steering Committee

The Committee is comprised of members selected by the Committee Chair. This group will select and assign topics to be addressed to the work groups. The Steering Committee will meet periodically with the lead person of each work group for progress and assistance. When the Steering Committee feels the work group has completed its task, the vertical staffing Chair will notify the coordinator. The coordinator will work with the Chief's office to

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Vertical Staffing Process

schedule an opportunity for the work group to present their topic. Issues identified by the Steering Committee requiring immediate action, or issues that can be easily resolved, will be brought forward by the coordinator to the Chief or designee.

Work groups

Work groups typically are made up from a cross-section of individuals, often directly impacted by the identified problem. The number of individuals in a work group will vary depending on the project. These individuals will be authorized to work on their projects during shift hours at the approval of their supervisor. Scheduling conflicts will be brought to the coordinator for resolution. Overtime will be pre-approved by the coordinator.

1057.3 TIME-LINES

Each Vertical Staff Committee has a 90-day sunset clause. All projects shall be completed within this timetable. The presentation to the Chief or follow-up assigned by the Chief may extend beyond this 90 day period. The coordinator may make additional extensions when necessary.

1057.4 FINAL WORK PRODUCT

The final work product is expected to be a professional presentation that will have been screened by the Steering Committee. Completed work products will be submitted to the coordinator to be archived.

1057.5 TOPICS FOR VERTICAL STAFFING

- (a) The Chair will solicit topics from employees. The Steering Committee will determine which topics will be assigned to work groups for further study. The following problem-solving model may be used to assist work groups in their research:
1. Define the problem's root causes and symptoms.
 2. Brainstorm a wide range of alternative solutions.
 3. Select the best possible alternative solutions.
 4. Implement the proposed solution.
 5. Evaluate the effectiveness of the solution.
- (b) The work group's proposal will cover the following considerations.
1. Objective
 2. Standards of performance
 3. Actives to accomplish the objective
 4. Accountability
 5. Time-line/schedule
 6. Budget/resources
- (c) Follow-through and Implementation:
1. The coordinator will oversee the appropriate follow-up tasks for successful implementation.
 2. Progress reports will be presented by the coordinator to Senior Staff on a quarterly basis, until the projects(s) have reached full implementation.

Employee Speech, Expression and Social Networking

1060.1 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 legitimate needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any employee's communication, speech or expression that has been clearly established as protected or privileged.

1060.1.1 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.

1060.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Spokane Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1060.3 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 Spokane 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, photograph, video or other recording on any forum or medium that could reasonably be expected to compromise the safety or privacy of any employee, an employee's family or associates.

1060.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following is prohibited:

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Spokane Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Spokane Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Spokane Police Department or its employees.

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Employee Speech, Expression and Social Networking

- (c) Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Spokane Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the expressed authorization of the Chief of Police or his/her designee (RCW 9A.68.020).
- (g) Failure to take reasonable and prompt action to remove any content that is in violation of this policy and/or posted by others from any web page or website maintained by the employee (e.g., social or personal website).

1060.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, employees may not represent the Spokane Police Department or identify themselves in any way as being affiliated with the Spokane Police Department in order to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or 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 some unofficial group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Spokane Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions 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).

1060.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

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Employee Speech, Expression and Social Networking

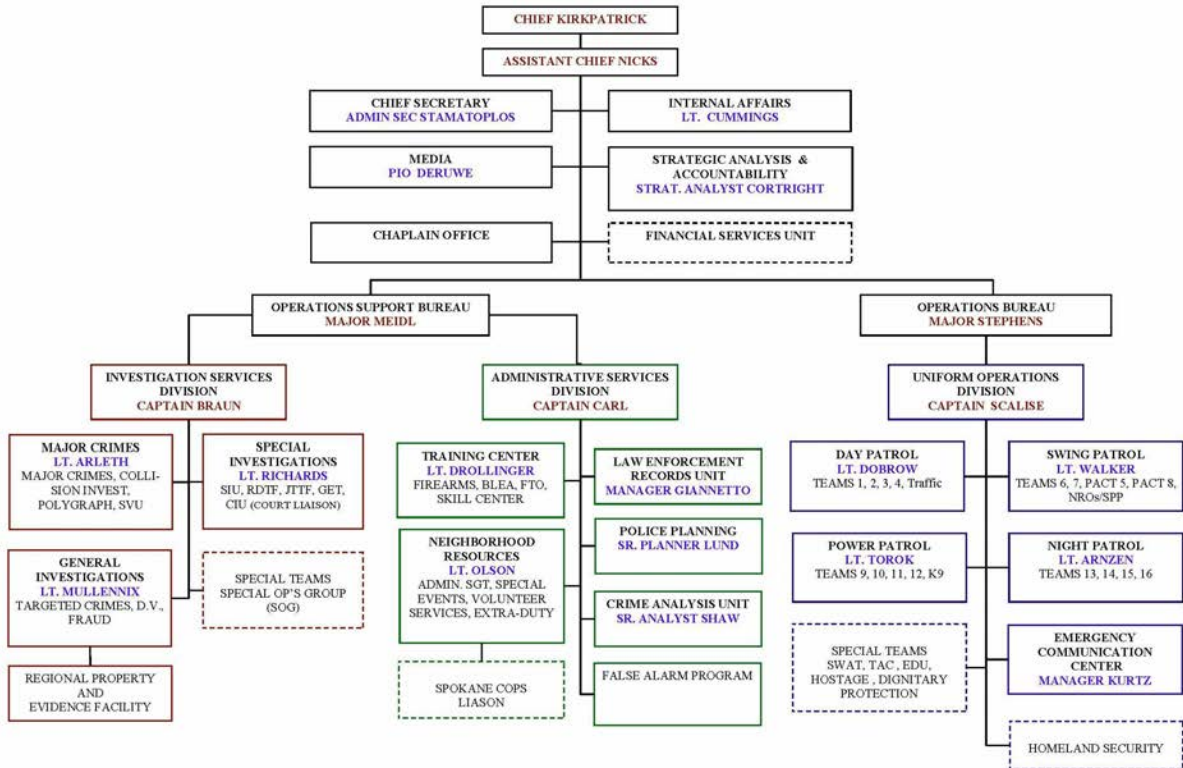
The Department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if accessed through a department computer or network.

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Organizational Chart



SPOKANE POLICE DEPARTMENT
2011

Updated 8/7/11

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