CHIEF'S PREFACE

The "Policies and Procedures Manual" contains the operational orders established by the Police Department to maintain the safety of our employees while we provide public safety and police services to our stakeholders. These policies represent our commitment to service and reflect our organizational values of service, integrity, accountability, and professionalism.

Recognizing the need for uniformity, effectiveness, and efficiency, all West Richland Police Department personnel are required to be familiar with the written policies and procedures contained in this manual. This manual represents our intent to identify roles, responsibilities, underlining principles and philosophies on how we should conduct ourselves as we go about our daily tasks and duties.

Written policies and procedures are necessary to clearly define our agency's position and provide guidelines with which our personnel can make administrative, investigative, and operational judgments. These policies shall remain in effect as issued and in the event of conflict with previously written directives, training bulletins, or standard operating procedures, the policies contained herein shall assume precedence. Recognition of errors or deficiencies in the intent or text of these policies and procedures shall be reported in writing to the office of the Chief of Police, via the chain of command, for appropriate disposition.

Ben Majetich, Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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DEPARTMENT MISSION STATEMENT

Mission Statement

All Members will adhere to the Department's mission statement:

The West Richland Police Department is committed to providing excellence in police services.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

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

100.3.1 OTHER AUTHORITY

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

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

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

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

Officers of the Department have no authority to enforce Oregon traffic or motor vehicle laws.

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

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100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

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Values

101.1 VALUES DEFINED

Values support the Mission Statement and Vision. They help shape our Department's culture and guide us in everything we do.

Teamwork - combined action of a group of people to achieve common goals

Commitment - being dedicated to a cause

Integrity - being honest and having strong moral principles

Just - behaving according to what is morally right and fair.

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Law Enforcement Certification

102.1 PURPOSE AND SCOPE

All sworn officers employed by the West Richland Police Department shall receive certification by WCJTC and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095(1); RCW 43.101.200(1)).

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Oath of Office

103.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to members of the West Richland Police Department.

103.2 POLICY

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

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Policy Manual

104.1 PURPOSE AND SCOPE

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

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

104.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

B CSO - Benton County Sheriffs Office

CFR - Code of Federal Regulations.

City - The City of West Richland.

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

CJTC/WSCJTC - The Washington State Criminal Justice Training Commission.

CPS - Child Protective Services

Department/WRPD - The West Richland Police Department.

DOL - The Department of Licensing.

DSHS - Department of Social and Health Services

Officers -A duly appointed city, county, or state law enforcement officer commissioned by the Criminal Justice Training Commission of Washington State

FCSO - Franklin County Sheriffs Office

Juvnile - Any person under the age of 18 years.

KPD - Kennewick Police Department

Manual - The West Richland Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Sworn Peace Officers

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- Non Commissioned Personnel
- Reserve Officer

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

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

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

PPD - Pasco Police Department

PRPD - Prosser Police Department

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

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

RPD- Richland Police Department

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

Volunteer - A person without commission, who serves the department without expectation of compensation

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

WSP - The Washington State Patrol.

104.2.1 REVISIONS TO POLICIES

All officers and non commissioned personnel are responsible for responding to notifications by lexipol of policy change by reading the changes and acknowledge them as soon as practical.

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104.3 POLICY

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

104.3.1 DISCLAIMER

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

104.3.2 COMMAND STAFF

Command Staff shall consist of the following:

- Chief of Police
- The Captain

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

104.3.3 STAFF / PERSONNEL

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

104.4 AUTHORITY

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

104.4.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

104.4.2 DISTRIBUTION OF MANUAL

A digital link of the Policy Manual shall be distributed to the following members via electronic version on the Department network:

- Chief of Police
- Captain
- Sergeants
- Police Records Supervisor
- Police Data Analyst
- Admin Assistant
- Detectives
- Officers
- Reserve Police Officers

An electronic version of the Policy Manual will be made available to all members on the Department network. No changes shall be made to the electronic version without authorization.

104.5 REVISIONS TO POLICIES

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

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

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

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

104.6 ISSUING THE POLICY MANUAL

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

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104.7 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary. A full Policy Manual review shall occur no less than every 5 years.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration Division
- Patrol Division
- Special Operations Division

200.2.1 ADMINISTRATION DIVISION

The Chief of Police and Captain provide oversight of the Administration Division. The primary responsibility of this division is to provide general administrative support for the operations of the Department. The Administration Division is staffed by Police Records Specialists who are assigned specific duties in support of the Department mission. One of the Records Specialists is assigned specific duties as a confidential assistant to the Chief of Police. The duties of the Police Records Specialist includes all aspects of administrative support for police and animal/code compliance operations.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by the Captain, whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of Patrol Officers, Animal Code Compliance Services, and Reserve Officers.

200.2.3 Special Operations Division

The Special Operations Division is commanded by the Captain whose primary responsibility is to provide general management direction and control for the division. The Special Operations Division consists of investigators assigned to General Crimes and regional Narcotics team.

200.3 ORGANIZATIONAL CHART

See attachment: org chart.pdf

See attachment between pages 584 and 585 of this manual

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DEPARTMENTAL DIRECTIVES

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedures of the Department. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the Policy Manual as required upon issue. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the policy manual within 90 days of issuance.

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

Any Departmental Directives issued after publication of the policy manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 17-01 signifies the first Departmental Directive for the year 2017. These directives will be saved on the West Richland Police Department network drive in a folder labeled Department Directives followed by the year of the directives.

201.2 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All members are required to read and obtain any necessary clarification of all Department policies. All members are required to acknowledge receipt and review of any new Department issued policy through the Lexipol web site.

201.2.1 SUPERVISOR RESPONSIBILITIES

Supervisor shall insure staff review Departmental Directives by the implementation date listed in the order. Supervisors shall also assist staff by providing necessary clarification of a Departmental Directive or obtaining that clarification for them.

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Emergency Management Plan

202.1 PURPOSE AND SCOPE

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

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

202.2 ACTIVATING THE EMERGENCY PLAN

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

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

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

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

202.4 BUILDING EVACUATION PLAN

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

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The posted exit strategies shall include any special directions for physically impaired employees (WAC 296-24-567).

202.5 UPDATING OF MANUALS

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

202.6 TRAINING

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

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Training Policy

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

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

203.3 OBJECTIVES

The objectives of the Training Program are

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

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

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

(d) Improve community and personal safety and security.

(e) Provide citizens volunteer opportunities in support of department mission-vision-values and City Strategic Focus Areas.

203.4 TRAINING PLAN

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

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

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

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

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

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

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

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

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

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

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

203.5 TRAINING NEEDS ASSESSMENT

The Training Coordinator or his designee will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the leadership team, consisting of the Command staff and supervisory personnel. Upon approval by the Chief of Police, the needs assessment will form the basis for the training plan for the fiscal year. Included in the needs assessment will be an assessment of force options training as determined from the annual review of Force Response Reports.

203.6 TRAINING DOCUMENTATION

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the West Richland 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.

203.7 TRAINING PROCEDURES

(a) All member's 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. Approved Priority Leave

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3. Sick leave
4. Physical limitations preventing the member's participation.
5. Emergency situations

(b) When an member 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 Coordinator to attend an alternate date.

(c) Active participation is required of employee's while training.

1. Member's will participate in practical application of skills learned in training
2. Member's will participate in demonstrations of knowledge learned in training through lecture, discussion, written or physical testing
3. Member's are expected to demonstrate proficiency in essential skills through direct testing, scenario demonstration and review of actual application on duty. Those who cannot meet minimum proficiency can be subject to "fit for duty" evaluation per the WRPOA CBA.

203.8 TRAINING COMMITTEE

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

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

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

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

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

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

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

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The Chief of Police or his/her designee will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

203.9 DAILY TRAINING BULLETINS

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

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

Members 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.

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Electronic Mail

204.1 PURPOSE AND SCOPE

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

The West Richland Police Department computer network and email system are managed by the City Clerk for the City of West Richland. The CoWR has a policy which applies to all city employees and those authorized to use the City computer network and City computers. All employees are required to become familiar and abide by this policy in addition to the WRPD policy. The CoWR policy is available at P:\PERSONNEL POLICY, 9.7.

204.2 EMAIL RIGHT OF PRIVACY

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

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

Members and volunteers should not use personal accounts to exchange email or other information that is related to the official business of the Department. Business communication on personal email accounts or devices may subject the device and/or email account to audit, inspection and disclosure.

204.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire Department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

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

204.4 EMAIL RECORD MANAGEMENT

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

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

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

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

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. Personnel may use pre-formatted letters approved by Sergeants and above on Department letterhead for official business only.

Formatting for internal and external correspondence will be standardized. The Administrative Division shall maintain a file on the shared computer drive containing templates of these documents.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or his/her designee.

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Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to insure that sufficient staffing is available to provide for the law enforcement needs of the city and to insure that proper supervision is available. The Department intends to balance the member'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.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels of at least two patrol officers are to be scheduled on each shift. Sergeants can be included as coverage unless otherwise specified in the WRPOA CBA. Sergeants will insure that at least two officers are on duty at all times. Sergeants are expected to monitor the schedule closely to insure: staffing needs are met, officers are informed of their schedules in a timely manner and concerns are identified and brought to the attention of the Captain. Deviation below the minimum staffing level requires prior approval of the Chief of Police or designee.

See Also: *Applicable Collective Bargaining Agreements.*

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate absences of the assigned Sergeant a temporary supervisor may be assigned. The most likely but not exclusive candidate for this assignment is the senior officer holding the Senior First Class Officer rank. Those selected for temporary assignment are expected to take on this responsibility. Those declining this role should provide a written explanation to the Captain explaining why they are unable to fulfill this expectation.

See Also: *Applicable Collective Bargaining Agreements.*

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Concealed Pistol License

207.1 PURPOSE AND SCOPE

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

207.1.1 APPLICATION OF POLICY

Administrative Division staff are responsible for the efficient and timely processing of concealed pistol license applications.

207.2 QUALIFIED APPLICANTS

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

(a) The applicant is ineligible or is prohibited to possess a firearm under the provisions of RCW 9.41.040, RCW 9.41.045 or federal law.

(b) The applicant's concealed pistol license is in a revoked status.

(c) The applicant is under twenty-one years of age.

(d) The applicant is subject to a court order or injunction regarding firearms.

(e) The applicant is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense.

(f) The applicant has an outstanding warrant for his/her arrest from any court of competent jurisdiction for a felony or misdemeanor.

(g) The applicant has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his/her person.

(h) The applicant has been convicted of a felony or is otherwise restricted from possessing a firearm unless the person has been granted relief from disabilities by the United States Attorney General under 18 USC § 925(c), or RCW 9.41.040(3) or (4) applies.

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

207.3 APPLICATION PROCESS AND RENEWAL

The Chief of Police has 30 days after the filing of an application of any person to issue a license to carry a concealed pistol. If the applicant does not have a valid permanent Washington driver license or identification card or has not been a resident of the state for the previous consecutive 90

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

The Chief of Police is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

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

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

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

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

207.3.1 REQUIRED WARNINGS

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

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

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law (RCW 9.41.070). The application shall contain questions

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about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen.

207.3.2 DOCUMENTATION AND FEES

The Chief of Police or his/her designee shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the Department's established records retention schedule (RCW 9.41.070(4)).

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

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

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

207.4 LICENSE RENEWAL

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

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

207.5 TEMPORARY EMERGENCY LICENSE

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

207.6 REVOCATION OF LICENSES

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

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(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.

207.6.1 INELIGIBILITY

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

207.6.2 FIREARM FORFEITURE

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

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

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

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

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

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

207.7 RECIPROCITY

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

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

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(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.

207.8 RESIDENCY

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

207.9 CONFIDENTIAL RECORDS

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

207.10 SUSPENSION OF LICENSES

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

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

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Retiree Identification Card

208.1 PURPOSE

The purpose of this policy is to provide guidelines for the issuance of Police Officer retired identification cards.

208.2 POLICY

It is the policy of the West Richland Police Department to provide identification cards to qualified former or retired West Richland Police Department officers as provided in this policy. Retired or former officers of other agencies will not be qualified or provided identity cards by this agency.

208.3 RETIRED OFFICER RESPONSIBILITIES

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

208.4 FIREARM QUALIFICATIONS

The Rangemaster may provide assistance with firearm qualification for retired officers from this Department if asked to assist under the standards set forth by the Law Enforcement Officers Safety Act (LEOSA - 18USC926C) .

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

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Control -with Least amount of injury. (Level 1 Control Tactics are for use when lower levels of resistance are generated by a violator.) Examples; Takedowns, counter joint control holds, escorts

Impede -the action of the individual. (Level 2 Defensive tactics – are for use when the level of resistance poses a higher threat to the officers such as when the violator attacks the officer) Examples; bodily impact tools, CEWs, O.C. spray, and impact weapons

Stop -the action of the individual. (Level 3 Termination tactics are used when there is an immediate need to stop all actions of the violator due to the lethal threat posed by his attack.) Examples; Firearms, vehicles

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

Force - The amount of effort required to compel another person towards compliance through use of verbal commands, physical techniques, tactics, issued tools or weapons.

Necessary - "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 (9A.16.010).

300.2 POLICY

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

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

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

The Department recognizes the safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

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300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

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

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

(j) Training and experience of the officer.

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

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

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

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

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

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

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 CAROTID / VASCULAR CONTROL HOLD

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

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

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

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

(c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

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

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

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

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

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

The Carotid Control Hold or Vascular Neck Restraint shall be considered a deadly force tactic. When employed, the officers shall be able to articulate necessary details of the suspect actions to justify this level of force.

An alternative tactic to the Carotid Control Hold / Vascular Neck Restraint is the "Shoulder Pin". The Shoulder Pin may be employed for combative or actively resisting subjects and is considered a level II tactic.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer

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reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately on a Force Response Form where the employee shall include a report articulating the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

(e) Any application of the Electro-muscular-disruption-technology-device (EMDT) or control device.

(f) Any application of a restraint device other than handcuffs.

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

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor’s Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor’s Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (Chapter 4 § 6, Laws of 2019).

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing

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pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

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

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

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

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

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

300.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant shall review each application of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. The Sergeant shall receive from all officers involved in an incident in which force is applied their individual reports of the incident and the Force Response Report(s). These reports will be promptly reviewed and forwarded through the Chain of Command for review. The Sergeant / Supervisor shall not enter into any administrative internal investigation of the event or circumstances which lead to the application of force without direction by the Captain or Chief of Police.

300.8 TRAINING

Officers will receive annual training on this policy and demonstrate their knowledge and understanding.

300.9 USE OF FORCE ANALYSIS

At least annually, the Sergeants should prepare an analysis report on use of force incidents. The report should be submitted to the Captain for review before submitting it to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Deadly Force Review

301.1 PURPOSE AND SCOPE

This policy establishes a process for the West Richland Police Department to review the use of force by its officers.

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

301.2 POLICY

The West Richland Police Department will objectively evaluate the use of force by its officers to ensure that their authority is used lawfully, appropriately and is consistent with training and policy. The Department shall avail itself of the resources of the Special Investigations Unit (SIU) when the application of force resulted in loss of life, serious bodily injury or are warranted by the nature of the event itself. The Chief of Police may seek alternative investigative assistance if circumstances indicate a need. The scale and scope of the investigation may be adjusted as deemed necessary and warranted by the Chief of Police.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

The Chief of Police or designee may convene a Use of Force Review Board to investigate the circumstances surrounding any use of force incident. Those individuals involved in the incident shall cooperate with the review by promptly submitting required reports and documentation and being present at times and locations directed. Any review conducted will consider officers rights and provisions of the Collective Bargaining Agreement (CBA) pertaining to the procedure and standards of the review.

301.4.1 COMPOSITION OF THE BOARD

The Captain should select a minimum of three Use of Force Review Board members from the following, as appropriate:

- A representative of the affected officers
- Officers or supervisors from outside law enforcement agencies
- Training Coordinator

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- Civil Service Board representative
- Officers of varying tenure and experiences
- Detectives of varying disciplines
- Other personnel where their expertise and or experiences may benefit the facilitation of the Use of Force Review Board
- Department instructor for the type of weapon, device or technique used

The Captain shall serve as the chairperson overseeing the Use of Force Review Board.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

See Also: Applicable Collective Bargaining Agreements (Inquiries)

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

(a) The officer actions were within Department policy and procedure.

(b) The officer actions were in violation of Department policy and procedure.

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

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Deadly Force Review

The Chief of Police shall review the recommendation, make a final determination as to whether the officer's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the Captain for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The West Richland Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and Department training. Restraint devices shall not be used to punish, to display authority or as a show of force. Officers employing any restraint device beyond standard handcuffing with Department-issued handcuffs will complete written documentation prior to the end of the current shift unless specifically authorized by a supervisor to delay its completion. The completion of documentation should not extend over days off without approval of the Captain.

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be

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used. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

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

302.3.3 RESTRAINT OF JUVENILES

Officers may restrain a juvenile under 14 years of age if he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

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

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

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302.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with others and detainees.

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

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(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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

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

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

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

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

302.8 REQUIRED DOCUMENTATION

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

If a person is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

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

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

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

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

302.8.1 SCHOOL RESOURCE OFFICERS

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

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302.9 TRAINING

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

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

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

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

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

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 BATON GUIDELINES

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

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

303.5 TEAR GAS GUIDELINES

Tear gas is not a general issue item for West Richland Police and therefore not authorized for incidents other than those involving high risk. When necessary for specialized high risk incidents, and only when properly trained personnel are available for deployment then tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the

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circumstances. Only the Incident Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

303.6 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.6.1 OC SPRAY

Officers carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes officers may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.6.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Pepper projectiles are not authorized for officer issue and will not be deployed without express authorization of the Chief of Police or Captain. Should circumstances warrant the deployment of pepper projectiles the deployment will only be performed by trained. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, officers using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form.

303.6.3 TREATMENT FOR OC SPRAY EXPOSURE

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

303.7 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of

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the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.8 KINETIC ENERGY PROJECTILE GUIDELINES

This Department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.8.1 DEPLOYMENT AND USE

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

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

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

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

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

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

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

303.8.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

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

303.8.3 SAFETY PROCEDURES

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

Officerswill inspect their shotguns and projectiles prior to securing it in their patrol vehicle, to ensure that the shotgun is in proper working order and the projectiles are of the approved type. Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.9 TRAINING FOR CONTROL DEVICES

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

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

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

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

303.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Electro-muscular-disruption-technology-device (EMDT)s.

304.2 POLICY

The EMDT device is a range tool intended to stop or impede actions that may cause harm to the public, the Officers or the suspect(s). The EMDT device may help to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only Officers who have successfully completed Department-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the EMDT device.

EMDT devices are issued for use during a member's current assignment. those leaving a particular assignment may be required to return the device to the Department's inventory.

Officers shall only use the EMDT device and cartridges that have been issued by the Department. officers who have been issued an EMDT device shall wear it in an approved holster on the opposite side of the duty firearm or centered on the Department issued vest carrier. Non-uniformed officers may secure the EMDT device in a Department vehicle.

Officers carrying the EMDT device should perform a spark test on the unit once per week. Officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) Whenever practicable, officers should carry two or more cartridges on their person when carrying the EMDT device

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

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

304.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device.

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

(c) The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

304.5 USE OF THE EMDT DEVICE

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

304.5.1 APPLICATION OF THE EMDT DEVICE

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

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

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

The EMDT device shall not be used to psychologically torment, elicit statements or to punish any individual. The severity of the crime must be taken into consideration when utilizing the EMDT.

304.5.3 TARGETING CONSIDERATIONS

When practical, back shots are the preferred targeting area for EMDT device applications. For frontal applications, reasonable efforts should be made to target lower-center of mass and avoid the head, neck, chest and groin. The head, neck, chest and groin should not be intentionally targeted.

It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the EMDT device darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE EMDT DEVICE

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

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

(a) Whether the probes are making proper contact.

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the EMDT. As soon as practicable, Officers shall shall notify a supervisor of all EMDT device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. When placed into

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evidence, the darts shall be placed into the spent cartridge, and placed into a paper bag with the wires. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS
The EMDT device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, If the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. As part of the plan to deal with the animal of concern the containment of the animal post deployment should be addressed.

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry Department EMDT devices while off-duty.

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

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

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

(a) Identification of all personnel firing EMDT devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

304.7 MEDICAL TREATMENT
Officers may remove the EMDT device probes from all non-sensitive areas of the body. Sensitive parts of the body include are but not limited to: head, neck, groin, hands, feet, breast, and joints. Despite where the location of the EMDT device probes are located an Officers can have them removed from a suspect by medical personnel. Used EMDT device probes shall be treated as a puncture biohazard, similar to a used hypodermic needle and handled appropriately.Universal precautions should be taken

All persons who have been struck by EMDT device probes or who have been subjected to a contact drive stun electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or qualified medical personnel:

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

(f) The person has exhibited signs of agitated or excited delirium prior to or during contact.

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

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the EMDT device.

304.8 SUPERVISOR RESPONSIBILITIES

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

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

304.9 TRAINING

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

Proficiency training for personnel who have been issued EMDT devices should occur every year. A reassessment and full training course to include a practical and written test will occur every two years. A test of an officers knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for EMDT devices will be documented in the officer's training file.

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

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

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

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

The Training Officer should ensure that all training includes:

(a) A review of this policy.

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

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

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

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

(f) De-escalation techniques.

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

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Firearms

305.1 PURPOSE AND SCOPE

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

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

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

305.2 POLICY

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

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Instructor. No firearm shall be carried by a Officer who has not qualified with that firearm at an authorized Department range.

All other weapons not provided by the Department, including, but not limited to, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by Department policy, may not be carried by Officers in the performance of their official duties without the express written authorization of the Chief of Police or designee. This exclusion does not apply to the carrying of a single folding pocketknife or fixed blade 3 inches in length or less or mechanically assisted or activated opening blade as long as they go through the patrol carry portion of the Defensive Tactics program.

305.3.1 HANDGUNS

The authorized Department-issued handgun is the Glock Model 22 .40. The following additional handgun is approved for on-duty use:

Make Model Caliber

Glock 23 .40 cal

305.3.2 SHOTGUNS

The authorized Department-issued less lethal shotgun is the 12 gauge Remington 870 or Mossberg M500 marked with a orange stock and lever for less lethal use only. At no time will rounds other than super sock rounds be loaded into the less lethal shotgun. The patrol shotgun is designated for less lethal purposes.

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When not deployed, the less lethal shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded with Super sock rounds, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

305.3.3 PATROL RIFLES

The authorized Department-issued patrol rifle is the AR-15 5.56mm. Officers may be authorized to carry a personally owned AR-15 rifle upon approval of the Chief of Police or designee. Any AR-15 rifle used by Officers will receive a thorough inspection from the Firearms Instructor which will include inspection of accessory items installed or incorporated into the firearm.

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:

(a) Situations where the Officer reasonably anticipates an armed encounter.

(b) When a Officer is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a Officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a Officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

305.3.4 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry Department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and approved by the Chief of police or his/her designee.

(b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(d) The handgun shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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(e) Ammunition shall be the same as Department issue. If the caliber of the handgun is other than Department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(f) Prior to carrying the secondary handgun, Officers shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(g) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will ensure entry into the firearms database.

305.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

(a) Officers shall only carry a firearm authorized by the Department for which a current qualification is on record.

(b) The firearm shall be carried in such a manner as to maintain security, concealment and physical retention of the weapon.

(c) Officers shall only carry Department-authorized ammunition.

(d) When armed, officers shall carry their badges and West Richland Police Department identification cards.

305.3.6 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms approximately every two years or if condition of the ammunition is in question. Officers carrying personally-owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

305.4 EQUIPMENT

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

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305.4.1 REPAIRS OR MODIFICATIONS

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

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

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

305.4.2 HOLSTERS

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

305.4.3 TACTICAL LIGHTS

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

305.4.4 OPTICS OR LASER SIGHTS

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

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

305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Officers shall not unnecessarily display or handle any firearm.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms instructor.

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

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

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(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.

(f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by an Officer be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is the Officers primary duty firearm, a replacement firearm will be issued to the Officer until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handgun, shotgun and rifle shall be inspected regularly by the Officer to whom the weapon is issued. All firearms shall be pointed in a safe direction or into clearing barrel prior to any inspection or storage.

305.5.2 STORAGE AT HOME

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

305.5.3 ALCOHOL AND DRUGS

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

305.6 FIREARMS TRAINING AND QUALIFICATIONS

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

At least annually, all Officers carrying a firearm should receive practical training designed to simulate field situations, shoot/don't shoot scenarios, no light scenarios and scenarios involving less lethal applications including low-light shooting.

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer is not available for scheduled firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that officer shall notify his/her immediate supervisor as soon as practical.

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

(a) Additional range assignments may be scheduled to assist the Officer in demonstrating consistent firearm proficiency.

(b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

Officers who fail to meet minimum standards on the day of department scheduled qualification will be removed from field assignment and may be subject to disciplinary action.

305.7 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the Officer shall provide a brief verbal overview of the incident to Sergeant or OIC as soon as practical.

(b) If off-duty at the time of the incident, the Officer shall provide a brief verbal overview of what had taken place to the chain of command as soon as practical.

305.7.1 DESTRUCTION OF ANIMALS

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

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

305.7.2 INJURED ANIMALS

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.

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

305.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearms Instructor. All Officers attending will follow the directions of the Firearms Instructor. The Firearm Instructor will maintain a roster of all members attending the range and will submit the roster to the Captain after each range date.

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

The Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during firearms qualifications. The Firearms Instructor shall complete and submit to the Captain documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each Officer who completes the training. The Firearms Instructor shall keep accurate records of all training, qualifications, repairs, maintenance or other records as directed by the Captain.

305.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

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

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

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containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the Department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

305.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry his/her West Richland Police Department identification card whenever carrying such firearm.

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

(c) The officer may not be under the influence of alcohol, medication or any combination thereof that could effect the Officer's senses or judgment.

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

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

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

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Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

306.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit.

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

306.2 POLICY

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

306.3 OFFICER RESPONSIBILITIES

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

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

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit.

(c) Disregard regulations governing parking, direction of movement or turning in specified directions.

306.3.1 WHEN TO TERMINATE A PURSUIT

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

When an officer terminates or the Sergeant or OIC directs the pursuit to be terminated, officers will immediately shut off emergency equipment, pull to the side of the roadway safely and provide location to dispatch.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

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

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

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306.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked Department emergency vehicles should be replaced by marked emergency vehicles whenever practicable. Vehicle pursuits should be limited to three Department emergency vehicles.

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

306.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

306.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

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

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

(a) The location, direction of travel and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including the license plate number, if known.

(c) The reason for the pursuit.

(d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(e) The number of occupants and identity or description.

(f) The weather, road and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary

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pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

306.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

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

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

306.5 PURSUIT DRIVING

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.

2. Request other officers to observe exits available to the suspect.

(d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the

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pursuing officer and with a clear understanding of the maneuver process between the involved officers.

306.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The pursuing officer shall notify a supervisor as soon as practical of their location and status.

306.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should assist in coordinating the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. The communication from air support and ground units may be hampered by incompatible communications systems. The effectiveness of the communication should be assessed when coordinating operations. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

306.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

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

Non-pursuing Officers needed at the pursuit termination point should respond in a manner appropriate to the conditions they encounter.

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

306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory control will be exercised over all vehicle pursuits involving officers from this Department.

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

(a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established Department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that the Shift Sergeant is notified of the pursuit, as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Department.

(j) Controlling and managing Department Officers when a pursuit enters another jurisdiction.

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

306.6.1 SHIFT SERGEANT RESPONSIBILITIES

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

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

306.7 SECOMM

If the pursuit is confined within the City limits or SECOMM coverage area, radio communications will be likely be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this Department or such is imminent, involved officers should consider switching radio communications to the LERN channel. Any radio frequency change should be coordinated with the SECOMM dispatcher to avoid loss of communication.

306.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be

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responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

306.9 INTERJURISDICTIONAL CONSIDERATIONS

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

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

306.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

306.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) The public’s safety within this jurisdiction.

(b) The safety of the pursuing officers.

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(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

Assistance to a pursuing agency by officers of this Department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this Department may continue only until sufficient assistance is present. Officers should not participate in any pursuit which is not consistent with policy.

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

306.10 PURSUIT INTERVENTION

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

306.10.1 WHEN USE IS AUTHORIZED

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

306.10.2 USE OF FIREARMS

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

306.10.3 INTERVENTION STANDARDS

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

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential

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risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

(a) The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers, or others.

(b) All other reasonable intervention tactics have failed or reasonably appear ineffective.

(c) Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.

(d) The suspect vehicle is stopped or traveling at a low speed.

(e) Only law enforcement vehicles should be used in this tactic.

(b) The PIT under 40 MPH is NOT considered a use of force and may be executed at the discretion of the officer. Supervisor approval is not required. PIT 40 MPH or Great IS considered a use of force and in instances where speeds are 40 MPH or greater, supervisory approval must be obtained.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officers's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

(a) The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.

(b) The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

(d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:

1. Should reasonably only affect the pursued vehicle.

2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.

3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.

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4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

306.11 REPORTING REQUIREMENTS

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

(a) The primary pursuing officer shall complete appropriate crime/arrest reports.

(b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of the pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
   (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.
11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

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(e) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

306.12 REGULAR AND PERIODIC PURSUIT TRAINING

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

306.13 POLICY REVIEW

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

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Officer Response to Calls

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.3 RESPONSE TO CALLS

Officers responding to non-emergency calls should obey all traffic laws.

307.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (RCW 46.61.035).

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

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by an officer or other law enforcement agency.

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

307.4 REQUESTING EMERGENCY ASSISTANCE

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

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

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons

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- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

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

307.5 SAFETY CONSIDERATIONS

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

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

307.5.1 NUMBER OF OFFICERS ASSIGNED

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

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

307.6 EMERGENCY EQUIPMENT

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

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response. The officer shall notify SECOMM immediately so that another officer can be dispatched. The Officer should then advise his/her shift Sergeant of the emergency equipment failure.

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307.7 OFFICER RESPONSIBILITIES

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

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

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

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Domestic Violence

308.1 PURPOSE AND SCOPE

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

308.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

308.2 POLICY

The Department response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

308.2.1 REPORTING DOMESTIC VIOLENCE

A written police report must be completed on all incidents of domestic violence. To comply with RCW 10.99.030(10), domestic violence cases will be distinct from other case reports and be tracked in I-Leads case reports by selecting "Domestic Violence" in the Related Names module.

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.

308.2.2 RECORD RETENTION AND DISTRIBUTION 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 Sheriffs and Police Chiefs. It shall be the responsibility of the Police Records Supervisor to maintain and report this information as required by RCW 10.99.030.

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308.3 OFFICER SAFETY

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

308.3.1 OFFICER PROTECTION FROM LIABILITY

No officer may be held criminally or civilly liable for making a domestic violence arrest if the officer acts in good faith and without malice (RCW 26.50.140, 10.31.100[12], and 10.99.070).

Officers who willfully fail to enforce the law are not immune from liability, the above statutes notwithstanding. Victims of domestic violence must receive equal protection under the law and it is the policy of this Department that all officers will be held accountable for any willful failure to enforce domestic violence laws.

308.4 INVESTIGATIONS

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

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

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

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

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1. Officers who have probable cause that a crime has been committed shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offense. Officers shall also seize all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030).
2. Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

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

(k) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

308.4.1 IF A SUSPECT IS ARRESTED

In accordance with RCW 10.31.100(2) officers shall arrest or take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant for violations of domestic violence when the officer has probable cause to believe that a violation has occurred.

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308.4.2 IF NO ARREST IS MADE

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.

A. Considerations: In identifying the primary physical aggressor, an officer shall, as identified in RCW 10.31.100(2)(c), make reasonable effort to consider:

(1) The intent of the law, which is to protect victims of domestic violence from continuing abuse.

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury.

(3) The history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

308.4.3 RELEASE OF ARRESTEE

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 staff.

308.4.4 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

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

(b) Document the resolution in a report.

308.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

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

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

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

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

308.6 DISPATCH ASSISTANCE

Refer to SECOMM Communications Handbook.

308.7 FOREIGN COURT ORDERS

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

308.7.1 CANADIAN COURT ORDERS

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

308.8 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms, and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

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308.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(1)).

(b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(2)(a).

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

308.9.1 SUPERVISOR / COMMAND RESPONSIBILITES

Sergeant Responsibilities

Sergeants are responsible for:

(a) Being reasonably aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.

(b) Notifying the Captain of any domestic violence incident identified in this policy.

(c) Ensuring that domestic violence incidents are properly recorded and processed according to this policy.

Captain Responsibilities

When notified of a incident covered by this policy, the Captain shall promptly notify the Chief of Police of such incident and shall:

(a) Determine if the involved member's law enforcement powers should be suspended and if their duty weapon and other Department-owned equipment should be removed pending the investigation outcome and possible prosecutorial charging decision.

(b) Issue an administrative order prohibiting contact with the victim if appropriate.

(c) Forward information on the incident to the Chief of Police for review and further action.

(d) Respond to a scene if the involved employee is a supervisor or if the situation dictates command presence.

Outside Agency Employee

If a member of another law enforcement agency is involved the Captain shall:

(a) Verify command notification of the employing agency.

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(b) Verify the Department supervisor has offered assistance to the outside agency with removing weapons.

(c) Ensure that the Department provides appropriate reports to the employing agency.

308.9.2 OFFICERS RESPONSIBILITES

Obligations or Entitlements

In accordance with RCW 10.99.090 members have the following obligations or entitlements:

(a) Members 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) Members with knowledge or information about any member in violation of this policy must report in writing to their supervisor as soon as possible, but no later than 24 hours. Failure to report may subject the member to disciplinary action.

(c) Members 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) Members 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 within 24 hours.

(e) Members are expected to fully cooperate with the investigation of allegations under this policy but only as requested by a supervisor or by court subpoena.

(f) When a law enforcement agency responds to a call in which a member is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved member must immediately report that police response to the on-duty supervisor. In the event an on-duty supervisor is unavailable the involved member shall ensure immediate notification through the chain of command.

(g) When a member 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 member must immediately report the fact to his/her supervisor.

308.9.3 INCIDENT RESPONSE

In compliance with RCW 10.99.030 notification of domestic violence incidents involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this Department. The investigative steps identified in this Section shall be followed.

Additional Requirements

These incidents additionally require:

(a) On-scene supervisory presence.

(b) Notification through the chain of command to the Chief of Police, and if the incident involves members of another agency, notification to the agency head of the employing agency.

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(c) In the event of a report of domestic violence alleged to have been committed by a Chief of Police, prompt notification will be made to the West Richland Mayor, Benton County Sheriff, and the Benton County Prosecutor.

308.10 COURT ORDERS

The Records Supervisorshall ensure that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

308.11 SERVICE OF COURT ORDERS

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

(a) Advise the subject that the order is effective upon service.

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

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

(c) Issue a receipt for any surrendered items.

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

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

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Search & Seizure

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

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

309.3 SEARCHES

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

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

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

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

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

In complex situations, officers are encouraged to contact a supervisor or prosecutor's office to resolve questions regarding search and seizure issues prior to electing a course of action.

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309.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE

A Officer may only install or use a pen register, trap and trace device or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device or cell site stimulator device when an emergency situation exists (RCW 9.73.260).

309.4 SEARCH PROTOCOL

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

(a) Officers of this Department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, another officer or a supervisor may be summoned as a witness to the search.

309.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient. Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

A. Officer should document:

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

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Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

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

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

310.2 POLICY

The policy of the West Richland Police Department is to ensure that officer-involved shootings and deaths as a result of other actions by an officer are investigated in a thorough, fair and impartial manner.

310.3 TYPES OF INVESTIGATIONS

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

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

310.4 CONTROL OF INVESTIGATIONS

The Department may employ a variety of resources to ensure a proper, thorough and fair investigation is completed in a timely manner. The various investigations (criminal, administrative and civil) may run concurrently or may be staggered based on the circumstances of the incident. The separate investigations will not be merged nor utilize the same investigators when cases progress concurrently. The Department may employ the services of the Special Investigations Unit (SIU) in accordance with the Multi-jurisdiction Memorandum of Understanding (MOU).

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

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the criminal investigation will be determined through agreement of the Chiefs of Police of the affected agencies.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN WEST RICHLAND POLICE DEPARTMENT JURISDICTION

The West Richland Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting may be conducted by the Special Investigations Unit (SIU). The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

310.4.4 OFFICER/DEPUTY USE OF FORCE INVESTIGATIONS

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

310.5 INVESTIGATION PROCESS

The Department has agreed to and participates in an Interlocal Agreement among regional law enforcement organizations which outlines this process and responsibilities. The following procedures are guidelines used in the investigation of an officer-involved shooting or death. The SIU protocol should be used as the guidelines for officer-involved shootings and applications of deadly force or the infliction of great bodily harm. The Chief of Police or designee may seek the assistance of the SIU or other entity for any application of force or incident which in the Chief of Police’s opinion warrants outside investigation.

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

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

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

(d) Coordinate a perimeter or pursuit of suspects.

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

(f) Ensure that the Sergeant for that shift has been notified.

(g) Brief the Sergeant upon arrival.

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

310.5.2 SUPERVISOR RESPONSIBILITIES

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

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

(b) If necessary, the supervisor may administratively order any WRPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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

(c) Provide all available information to the Shift Sergeant and SECOMM. If feasible, sensitive information should be communicated over secure networks.

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

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

1. Each involved WRPD officer should be given an administrative order not to discuss the incident with other involved officers or WRPD members pending further direction from a supervisor.

2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

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310.5.3 CAPTAIN RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Captain or designee shall respond to the scene and be responsible for coordinating all aspects of the incident unless he/she is relieved by the Chief of Police. The Captain will notify the Chief of Police and will be provide critical information including location of incident, status of personnel, Command Post location and current needs.

The Captain should ensure that the following contacts are made (as applicable to the event):

- Special Investigations Unit

• Outside agency investigators (if appropriate)

• Psychological/peer support personnel

• Chaplain

• Coroner (if necessary)

• Involved officer's agency representative (if requested)

The Captain is expected to maintain operational oversight and to utilize available resources to assist him/her in accomplishing required tasks. All outside inquiries about the incident shall be directed to the Captain.

310.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer(s):

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

1. Involved WRPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-WRPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Department to each involved WRPD officer. A licensed psychotherapist may also be provided to any other affected WRPD officers, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

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2. An interview or session with a licensed psychotherapist may take place prior to the officer providing a formal interview or report. However, involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) The Department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060).

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

Each involved WRPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the officer’s line supervisor to make schedule adjustments to accommodate such leave.

310.6 CRIMINAL INVESTIGATION

The agency with jurisdiction for the area in which the event occurred is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The Benton County Prosecutor is an active participant through legal advisement.

If available, and when not deemed a conflict of interest, investigative personnel from this Department may be assigned to partner with investigators from outside agencies or the Benton County Prosecutor’s Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the

(a) WRPD supervisors and Captain and Chief of Police personnel should not participate directly in any voluntary interview of WRPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

310.6.1 REPORTS BY INVOLVED WRPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved WRPD officers to provide sufficient

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information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

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

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

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

310.6.2 REPORTS BY INVOLVED OFFICERS

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

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

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

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

310.6.3 INVESTIGATION POLICY

It shall be the policy of this Department to utilize the Special Investigations Unit and Benton County Prosecutor's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this Department may be assigned to cooperate with investigators from the SIU so as to not duplicate efforts in related criminal investigations.

310.7 ADMINISTRATIVE INVESTIGATION

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

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

Interviews of Officers shall be subject to Department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any involved Officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Captain shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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310.8 CIVIL LIABILITY RESPONSE

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

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

310.9 DEBRIEFING

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

310.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

310.9.2 TACTICAL DEBRIEFING

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

310.10 AUDIO AND VIDEO RECORDINGS

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

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

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Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without the Chief of Police or designee permission.

310.11 MEDIA RELATIONS

All media releases shall be reviewed and approved by the Chief of Police, or designee, prior to issuance. Releases will be available to the Captain and Public Information Officer in the event of inquiries from the media. The Public Information Officer will be the primary point of contact with the media.

No WRPD member shall make any comment to the media unless he/she is authorized by the Chief of Police or Captain. Members should refer media requests to the Public Information Officer.

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

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Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

311.2 POLICY

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

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the West Richland Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the West Richland Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the West Richland Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

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

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as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; RCW 13.04.116(b)).

311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; RCW 43.185C.260).

311.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

(a) Pursuant to a court order.

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

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

311.5 ADVISEMENTS
When a juvenile offender is taken into custody, the officer should, as soon as practicable, notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody.

Juveniles taken into custody should be advised the reason for the custody (RCW 43.185C.265).

311.6 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

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311.7 TEMPORARY CUSTODY REQUIREMENTS

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

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

(b) Welfare checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).

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

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311.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of a Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

311.8.1 PREGNANT JUVENILES

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

311.9 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

311.10 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Officers of this Department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Sergeant approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Sergeant approval should be documented.

311.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

311.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

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311.13 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. Members of this Department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

311.13.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW

Juvenile records are confidential and may be released only as provided in RCW 13.50.010 and RCW 13.50.050:

(a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.

(b) Information not in the juvenile court file that could not reasonably be expected to identify the juvenile or the juvenile's family may be released.

(c) Following the decision to arrest, information about an investigation, diversion or prosecution of a juvenile, including an incident report, may be released to the school in which the juvenile is enrolled to assist in protecting other students, staff and school property.

(d) Information about a juvenile offender, the offender’s parent or guardian and the circumstances of the crime may be released to the victim or the victim’s immediate family.

(e) Information identifying child victims of sexual assault committed by juvenile offenders may be released only with the permission of the child victim or legal guardian.

(f) A court may permit certain juvenile records to be released by rule or order.

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

311.13.2 RELEASE OF INFORMATION TO OTHER AGENCIES

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

311.14 RELIGIOUS ACCOMMODATION

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

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Abuse of Vulnerable Adults

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the West Richland Police 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 Department to treat reports of violence against vulnerable adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and suspect.

312.2 DEFINITIONS

Definitions related to this policy include (RCW 74.34.020):

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

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

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

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

DSHS - The Department of Social and Health Services.

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

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

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

Neglect - A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that

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fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission by a person or entity with a duty of care 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.

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

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

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

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

312.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to RCW 74.34.020(11) any officer of the West Richland 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 (DSHS) regardless of jurisdiction (RCW 74.34.035).

312.3.1 RECORDS SECTION RESPONSIBILITY

The Records Department is responsible for providing a copy of the vulnerable adult abuse report to the DSHS. This requirement is applicable even if the initial call was received from DSHS.

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312.4 OFFICER RESPONSE

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

312.4.1 INITIAL RESPONSE

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

312.4.2 STABILIZE THE SITUATION

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

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

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

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

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

312.4.3 SUPPORT PERSONNEL

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

- Sergeant
- Detective personnel
- Evidence collection personnel
- DSHS personnel
- Washington State Long Term Care Ombudsman program shall be called if the abuse is in a long-term care facility

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312.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent 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 obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.150; RCW 74.34.210; or other applicable statutes.

312.5 ELDER ABUSE REPORTING

Every allegation of vulnerable adult abuse shall be documented. Reporting of cases of vulnerable adult abuse is confidential and will only be released as per the Release of Records and Information Policy. The following information should be provided in addition to the general information provided on the crime report (RCW 74.34.035(8); RCW 74.34.040):

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

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, Officers of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DSHS.

Whenever practicable, the officer should inform a Sergeant of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a Sergeant promptly after taking the adult into protective custody.

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When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

In any situation which an officer reasonably believes that an elder or dependent 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 obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.210; or other applicable statutes.

312.7 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

312.8 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.8.1 SUPERVISOR RESPONSIBILITIES

The detective supervisor should:

(a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the detective supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

312.8.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

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(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the detective supervisor so an interagency response can begin.

312.9 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

313.1 PURPOSE AND SCOPE

This policy is intended to prevent Department members from being subjected to discrimination or sexual harassment.

313.2 POLICY

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

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

313.3 DISCRIMINATION PROHIBITED

313.3.1 DISCRIMINATION

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

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

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

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

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313.3.2 SEXUAL HARASSMENT

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

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

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

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

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

313.3.3 ADDITIONAL CONSIDERATIONS

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

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

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

313.3.4 RETALIATION

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

313.4 RESPONSIBILITIES

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

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

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

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

313.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor shall:

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

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

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

(d) Ensure that a person who makes a complaint or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Captain in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

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

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

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

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

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

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

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During an investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. The participating or opposing member or volunteer should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

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313.5.1 SUPERVISORY RESOLUTION

Persons who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the person feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, they may use the open door policy of a higher position of their choice.

313.5.2 FORMAL INVESTIGATION

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

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

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

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

313.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

313.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

313.7 DOCUMENTATION OF COMPLAINTS

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

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

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313.8 TRAINING

All new members shall be provided access to this policy as part of their orientation. The employee shall acknowledge that he/she has been advised of this policy, is aware of and understandsthe policy contents and agrees to abide by its provisions during his/her term of employment. All members shall receieve annual training on this policy.

313.8.1 QUESTIONS OR CLARIFICATION

Members or volunteers with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact thier supervisor for further information, direction or clarification.

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Child Abuse and Neglect

314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

314.2 POLICY

The West Richland Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

314.3 MANDATORY NOTIFICATION

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

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

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

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

314.3.1 NOTIFICATION PROCEDURE

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

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

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

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(c) Notification, when possible, should include (RCW 26.44.040):

1. The name, address and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

(d) The Department shall forward all case dispositions to CPS.

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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

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

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

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

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

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

(i) Previous addresses of the victim and suspect.

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

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

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

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS.

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.

An officer who takes a child into protective custody must advise the child of the reason for the protective custody. Pursuant to RCW 13.32A.050 officers shall take a child into protective custody and transport to a crisis residential center when: (1) Contacted by the parent of the child that the child is absent from parental custody without consent.

(2) The officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance. (a) An older child's statement that he/she is "okay" and does not need assistance may preclude further interference by the police (State v. Kinzy, 141 2n.2d 373, 5 P.3d 668).

(3) The child has run away from placement.

(4) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to the destination, and continues until the officer transfers custody to a person or agency, or releases the child because no placement is available.

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(5) Additionally, in accordance with RCW 26.44.050, officers may take a child into custody without a court order 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 pursuant to RCW 13.34.050.

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

"Operation Defined":

Health care facilities listed in (RCW 13.34.360) are in operation with qualified medical attendants present at the time the newborn was delivered.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

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

314.7.3 TRAINING REQUIREMENT
Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse

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shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

314.8 MEDICAL EXAMINATIONS

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

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

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Supervisor so an interagency response can begin.

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314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (RCW 42.56.240).

314.10.2 ARREST WITHOUT WARRANT

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

314.10.3 CASE SUBMISSION TO PROSECUTOR

The West Richland Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

(a) A child has died or has had a physical injury.

(b) Injuries were inflicted upon a child other than by accidental means.

(c) A child has been subjected to alleged sexual abuse.

314.10.4 AGENCY COORDINATION

If this Department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this Department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

314.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Investigations Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those Department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

314.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

314.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is shall be posted in a member common area (RCW 26.44.030).

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Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

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

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

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

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

315.2 POLICY

The West Richland Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The West Richland Police Department gives missing person

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

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (RCW 43.43.876)
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

315.5 INITIAL INVESTIGATION

Members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify thew Shift Sergeants immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

    (a) Immediately, when the missing person is at risk.

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(b) In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

(a) A photograph and fingerprint card of the missing person, if available.

(b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

(c) Any documents that may assist in the investigation, such as court orders regarding custody.

(d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).

(a) Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.

(b) Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases or WSP shall not be released except by court order.

(c) Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a Shift Sergeant and proceed with reasonable steps to locate the missing person.

(j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the Shift Sergeant as soon as a missing person report is ready for review.

315.6.1 SHIFT SERGEANT RESPONSIBILITIES

The responsibilities of the Shift Sergeant shall include, but are not be limited to:

(a) Reviewing and approving missing person reports upon receipt.

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(a) The reports should be promptly sent to the Records.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

(a) If the case falls within the jurisdiction of another agency, the Shift Supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 RECORDS STAFF RESPONSIBILITIES

The responsibilities of the records staff shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 DETECTIVE FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

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(d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with the Shift Sergeant regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling investigator 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 investigator shall:

(a) File a missing person's report with MUPU.

(b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.

(c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.

1. Whenever possible, obtain diagnostic quality copies or original records of the missing person’s dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned investigator should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After

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12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to MUPU.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Captain may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of West Richland or the Department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If the Department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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315.10 TRAINING

Subject to available resources, the Captain should ensure that members of this Department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Audio/Video
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of Department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television, social media, and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Department should notify the Shift Sergeant as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The Shift Sergeant shall promptly notify the Captain when any public alert is generated.

The investigator is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Captain

316.3.3 PUBLIC ALERT CAPTAIN RESPONSIBILITIES

(a) Remaining familiar with the protocols for activating, maintaining and canceling all applicable public alerts.

(b) Being the point of contact with the Washington AMBER Alert Advisory Committee.

316.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

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The Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

316.4.1 ALERT CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

(a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.

(b) The abducted child is believed to be in danger of death or serious bodily injury.

(c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.

(d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:

1. Where the abduction took place.
2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
4. Place last seen.
5. Description of the vehicle: color, make, model, license number, approximate year.

(e) The incident must be reported to and investigated by a law enforcement agency.

316.4.2 PROCEDURE

Should the Shift Sergeant determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Captain should:

(a) Ensure that department protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

(c) Contact the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).

316.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Captain 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 of any AMBER Alert activation.

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(c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:

1. A photograph.
2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

316.4.4 POST-INCIDENT REPORTING

The Chief of Police shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Chief of Police or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee's after-action review of the alert.

316.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

316.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).

(c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).

(d) The incident has been reported to and investigated by a law enforcement agency.

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316.5.2 PROCEDURE

Should the Shift Sergeant determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Sergeant should:

(a) Ensure that the Department protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

(c) Contact the WSP Communication Center for entry into LEAP.

(d) Direct Records staff to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).

(e) Notify SECOMM of the advisory.

(f) Ensure that the investigator attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(g) Direct the Records staff to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).

(h) Appoint a Public Information Officer to handle the media.

1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.

2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.

(i) The Records Department personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

316.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

316.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

(a) The suspect has not been apprehended.

(b) The suspect poses a serious threat to the public.

(c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.

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(d) The release of the information will not compromise the investigation.

(e) The release of the information will not improperly notify an officer's next of kin.

316.6.2 PROCEDURE

Should the Shift Sergeant determine that the incident meets the criteria of a Blue Alert, the Shift Sergeant should:

(a) Direct Records Department personnel to prepare a Blue Alert administrative message through ACCESS. The words, “Blue Alert Advisory” should be included in the title of the message.

(b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect’s vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.

(c) Ensure that descriptive information about the suspect, the suspect’s whereabouts and the suspect’s method of escape is disseminated.

(d) Appoint a Public Information Officer to issue press releases and handle media inquiries.

1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.

(e) Advise SECOMM of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.

(f) Ensure that a press release is issued cancelling the Blue Alert.

316.7 OTHER RESOURCE CONSIDERATIONS

The Shift Sergeant should consider the following resources, as appropriate:

(a) Local allied law enforcement agency resources

(b) FBI local office

(c) The National Center for Missing and Exploited Children (NCMEC)

(a) Monitor the Cyber Tipline® link and post missing children alerts

(d) The National Oceanic Atmospheric Administration (NOAA)

1. Will relay AMBER Alerts over Weather Radio

(e) Department Social Media

1. Twitter, Facebook, Nextdoor.com

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Victim Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the West Richland Police Department meets all related legal mandates.

317.2 POLICY

The Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the members will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 DOMESTIC VIOLENCE SERVICES

As identified in RCW 70.123.010, the State Legislature finds that domestic violence is a concern at all levels of government. Services should be provided that ameliorate and reduce the trauma of domestic violence to its victims.

A. Forwarding Police Reports to DV Advocate

Upon receipt of police reports dealing with domestic violence, the Records Staff will forward a copy of the report to the Department's designated Domestic Violence Advocate. The advocate will be responsible for contacting the victim and informing them of available domestic violence services.

B. Domestic Violence Services

Local services are provided by the Domestic Violence Services of Benton and Franklin Counties (DVS) (http://dvsbf.org/). Some of the services provided by DVS include:

(1) Emergency Shelter

DVS provides emergency shelter to victims and their children who are fleeing domestic violence relationships.

(2) Crisis Line

DVS has a 24-hour crisis line available to any community member who needs to access DVS services or wants to talk about domestic violence issues.

(3) Advocacy

DVS advocates provide support to victims of domestic violence and will work with them on safety planning, empowerment and education. They will aid victims with the legal system, such as helping victims file for protection orders.

(4) Support Groups

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DVS support groups allow victims to learn more about abuse, get support, and obtain helpful resources.

317.4 SUPPORT ADVOCACY AND RESOURCE CENTER (SARC)

The Benton and Franklin Counties Support, Advocacy and Resource Center supports the rights of crime victims.

(SARC) (http://bfcac.org/home-base/sexual-assault-response-center-sarc)

A. Crisis Program SARC provides the following in their crisis program:

(1) Crisis Line

SARC's crisis line is staffed 24 hours a day by trained advocates.

(2) Crisis Intervention

Advocates provide short-term crisis intervention and support.

(3) Medical and Legal Advocacy

SARC's agency staff and trained volunteer advocates respond to hospital calls to provide medical advocacy to victims of crimes, and provide legal advocacy at police interviews and court proceedings.

(4) Therapy Referrals

SARC provides assistance in the process of finding counselors who are experienced in the field of sexual abuse. They provide information regarding payment options and crime victim's compensation. On-site counseling is available.

B. Crime Victim Service Center:

SARC maintains a crime victim service center that provides crisis and advocacy services to victims.

C. Kids Haven:

Kids Haven is a joint effort between SARC and local city and county governments. It is a program designed to meet the needs of children who have been physically and/or sexually abused.

D. Counseling Program:

SARC provides on-site counselors for clients who do not have insurance, crime victim's compensation, or other means to afford counseling.

E. Education Program:

SARC offers prevention-based education services. Programs are directed toward the prevention of sexual assault and to raise the awareness of sexual violence.

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317.5 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written Department material or available victim resources.

317.5.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030).

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

317.7 WITNESS INFORMATION

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

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Hate Crimes

318.1 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 Officers of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily injury, physical injury, or bodily harm - Physical pain or injury, illness, or an impairment of physical condition.

Gender expression or identity - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

Malice and maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable person - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

Sexual orientation - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

Threat - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

318.3 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

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318.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this Department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

318.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports 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.

318.5.1 INVESTIGATIONS RESPONSIBILITY

If a case is assigned to Detectives the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

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(c) Enter statistical data on suspected hate crimes and tracking as indicated for reporting to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

318.6 TRAINING

All Officers of this Department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

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Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this Department and are expected of all Department members, reserve officers and volunteers. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct.

319.2 POLICY

The continued employment of every member of the Department or the appointment of volunteers shall be based on conduct that reasonably conforms to the guidelines contained in this policy. Failure to meet these guidelines may be cause for disciplinary action.

319.2.1 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.

319.3 DIRECTIVES AND ORDERS

Members and volunteers shall comply with lawful directives and orders from any Department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member or volunteer is required to obey any order or directive that appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order or directive is in doubt, the affected person shall ask the issuing supervisor to clarify the order or directive or shall confer with a higher Department authority. The responsibility for refusal to obey any order or directive rests with the person receiving the order or directive. Subsequently the person, is required to justify the refusal. Following a known unlawful order or directive is not a defense and does not relieve the person from criminal or civil prosecution or administrative discipline.

Supervisors should not issue orders or directives that conflict with any previous order or directive without making reasonable clarification that the new order or directive is intended to countermand the earlier order or directive. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order or directive is intended to countermand the previous lawful order, in which case the person given the order is obliged to comply. Persons

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who are compelled to follow a conflicting lawful order or directive after having given the issuing supervisor the opportunity to correct the conflict will be held accountable for disobedience of the lawful order that was initially issued.

The supervisor countermanding the original order or directive shall notify the person issuing the original order or directive, indicating the action taken and the reason.

319.3.1 GENERAL CONDUCT

(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of member employment or volunteer service without first notifying the Chief of Police of such action.

(c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d)

(e) Unauthorized possession of, loss of, or damage to Department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

(f) Using or disclosing one's status as a member of the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-Departmental business or activity.

(g) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or volunteer service with the Department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee.

(h) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

(i) Discourteous or disrespectful treatment of any member of the public or any member of this Department or another law enforcement agency.

(j) Solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.

(k) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

(l) Wrongfully loaning, selling, giving away or appropriating any Department equipment or property for personal gain or any other improper purpose

(m) Unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.

(n) Any knowing or negligent violation of the provisions of the Department policy manual, operating procedures or other written directive of an authorized supervisor.

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(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) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a Department member knows or reasonably should have known of the criminal nature of the organization.

(q) Offer or acceptance of a bride or gratuity.

(r) Misappropriation or misuse of public funds.

(s) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, serious violations of state or federal laws, where the member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(t) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a member of this Department except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(u) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(v) Violating any misdemeanor or felony statute.

(w) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted.)

(x) Establishing or maintaining an inappropriate personal relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(y) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Department or its members.

(z) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

319.3.2 DISCRIMINATION

(a) Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

(b) Violation of Departmental or City policies prohibiting discrimination, retaliation and harassment.

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319.3.3 USE OF INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants within eight hours or where such use may impair the members or volunteer's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. A member who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Failure to disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the member to safely perform the essential functions of the job while on duty.

(d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the member's or volunteer's ability to perform assigned duties.

(e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.

(f) Committing any violation of Departmental policies related to the possession, use or consumption of drugs or alcohol.

319.3.4 JOB PERFORMANCE

(a) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(b) Failure to report for duty as scheduled or assigned fully prepared to perform assigned duties.

(c) Failure to comply with attendance-related policies.

(d) Unauthorized sleeping on-duty time or assignments.

(e) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(f) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.

(g) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person of authority.

(h) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(i) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good

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order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(j) 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.

(k) 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.

(l) Work-related dishonesty, including attempted or actual theft of Department property, services or the property of others.

(m) Unauthorized removal or possession of Department property or the property of another member.

(n) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(o) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department policies or procedures.

(p) Exceeding lawful officer powers by unreasonable, unlawful or excessive conduct.

(q) Any failure or refusal of a member or volunteer to properly perform the function and duties of an assigned position.

(r)

(s) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment related-matter.

(t) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

319.3.5 SAFETY

(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on -the job or work- related accident or injury in a timely manner.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment or volunteer service

(d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment or volunteer service.

(f) Engaging in any serious or repeated violation of Departmental safety standards or safe working practices.

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319.3.6 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

319.3.7 CONDUCT BY SUPERVISORS RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that members and volunteers adhere to the policies and procedures of this Department and the actions of all personnel comply with all laws.

(b) Failure of a supervisor to timely report known misconduct of a member or volunteer to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any member or volunteer for malicious or other improper purpose.

319.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaints (Policy 1006).

(a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and consistent with the requirements of RCW 41.12.090.

(b) In the event the conduct in question is potentially criminal in nature, the member shall be provided with and required to sign a "*Garrity*" notice.

319.5 RESPONSE TO REMOVAL, SUSPENSION, DEMOTION OR DISCHARGE

(a) Any member removed, suspended, demoted or discharged may within 10 days from the time of his/her removal, suspension, demotion or discharge, file with the Civil Service Commission a written demand for an investigation, whereupon the commission shall conduct such investigation (RCW 41.12.090).

(b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.

(c) After such investigation the Civil Service Commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

(d) The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension,

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demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay.

(e) The findings of the Civil Service Commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

(f) All investigations made by the Civil Service Commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense. If such judgment or order be concurred in by the Commission or a majority thereof, the accused may:

1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the Commission, within 30 days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.

2. The Civil Service Commission shall, within 10 days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

319.6 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

319.7 POST LOUDERMILL PROCEDURE

In situations in which the imposed discipline amounts to a written reprimand or less, the member's right to formally respond shall be limited to the aforementioned Loudermill process and the appeal process detailed in § 340.4.1. In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary member, the member shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative memorandum of understanding (MOU), Policy Manual § 1006 and RCW 41.12.090 or applicable collective bargaining provisions.

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319.8 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the Department shall, within 15 days of the termination, notify CJTC on a personnel action report form provided by the commission. The Department 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).

319.9 CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain shall review the entire investigative file, that individual's personnel file and any other available materials identified as relevant to the investigation.

The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Captain may return the entire investigation to the assigned Detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Captain shall include all relevant materials supporting the recommendation. Actual copies of an individual's personnel file need not be provided and may be incorporated by reference.

319.10 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and any accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Captain for further investigation or actions.

(a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Chief of Police shall provide the member with written (Loudermill) notice of the following information:

1. Specific charges set forth in separate counts, describing the conduct underlying each count.
2. A separate recommendation of proposed discipline for each charge.
3. An opportunity to respond orally or in writing to the Chief of Polilce within 5 days of receiving the Loudermill notice.
4. A statement that the member is entitled to union representation, if represented by a union.
   (a) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
   (b) If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

(b) The Loudermill response is not intended to be an adversarial or formal hearing.

(c) Although the member may be represented by an uninvolved representative or legal counsel, the Loudermill response is not designed to accommodate the presentation of testimony or witnesses.

(d) The member, union, or attorney representing the member, may suggest that further investigation could be conducted or the member may offer any additional information or mitigating factors for the Chief of Police to consider.

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(e) In the event that the Chief of Police elects to cause further investigation to be conducted, the member shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(f) The member may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.

(g) Once the member has completed his/her Loudermill response or, if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the member imposing, modifying or rejecting the recommended discipline.

(h) Once the Chief of Police has issued a written decision, the discipline shall become effective.

319.11 VOLUNTEERS

Any volunteer dismissed from service with the Department may request a meeting withe the Chief of Police, or designee, to discuss the matters associated with the decision for dismissal. The decision of the Chief of Police with respect to volunteer service is final.

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Department Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of West Richland Police Department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 PRIVACY POLICY

This policy applies to Any member or volunteer utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department. Usersexpressly acknowledge and agree that the use of such service, whether for business or personal use has no expectation of privacy 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.

320.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Technology Resources - Shall mean all computers (on-site and portable), hardware, software, two-way radios, cellular or satellite communication devices, voice mail systems and all similar resources owned, leased, rented or licensed by the Department, which are provided for official use by members and volunteers. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the department.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

Temporary File or **Permanent File** or **File -** Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

320.3 SYSTEM INSPECTION OR REVIEW

A member or volunteer'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 a member or volunteers supervisor, or during the course of regular duties requiring such information, Department information staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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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 member or volunteer or related to their duties, an alleged or suspected violation of a Department policy, or a need to perform or provide a service or information when the member or volunteer is unavailable.

320.4 DEPARTMENT PROPERTY

All information, data, documents, communications and other entries initiated on, sent to or from, or accessed on any Department computer, or through the Department computer system on any other computer, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Department- or City- approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or Department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to Department-related activities. Internet sites containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment. Downloaded information shall be limited to messages, mail and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Department resources.

Refer to the Personal Communication Devices Policy and or the WRPOA CBA for guidelines regarding off-duty use of personally owned technology.

320.5 UNAUTHORIZED USE OF SOFTWARE

Members shall not copy or duplicate any copyright or licensed software. To reduce the risk of computer virus or malicious infection, members shall not install any unlicensed or unauthorized software on any Department computer.

Members shall not install personal copies of any software onto any Department computer. Files or software that a member finds necessary to upload onto a department computer or network shall be done only with the expressed approval of IT and only after being properly scanned for malicious attachments.

No member shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the Department while operating on the Department computer system. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

320.6 PROHIBITED AND INAPPROPRIATE USE

Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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Members shall report any unauthorized access to the system or suspected intrusion from outside sources, including the Internet, to a supervisor.

320.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All members have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Department- approved anti-virus software will be running on all computers that are connected to the Internet to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for a member to allow an unauthorized user to access the system at any time or for any reason.

320.7.1 NETWORK SECURITY

Network security protocols are established to ensure the integrity and security of the network systems. Members shall not attempt to circumvent these protocols and shall observe the following:

(a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.

(b) The network shall not be connected to any external network without a firewall in place.

(c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

320.7.2 SYSTEM BACK-UP

IT personnel shall be responsible for establishing regularly scheduled network system back-up protocols. Retention of all system back-ups should be managed by their category in compliance with the current Records Management Guidelines and General Records Retention Schedules (Schedule Number L08 Information Systems).

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Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

321.1.1 REPORT PREPARATION

Officer's should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned Officer 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 submittingOfficer will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Officers who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Officers 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. Officer's 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 Officers opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY REPORTING

When an Officer 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 Officer is required to document the activity. The fact that a victim does not wish to pursue criminal 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 dispatcher's log.

(c) In every case where any force is used against any person by an Officer.

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(d) All incidents involving domestic violence.

(e) All arrests.

321.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

(a) Any time an Officer points a firearm at any person.

(b) Any use of force against any person by a member of this Department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms Policy).

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. An Officer handling a death investigation should notify the shift Sergeant 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.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or equipment.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this Department shall require a report when:

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(a) The injury is a result of drug overdose.

(b) Attempted suicide.

(c) The injury is serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an member to document any incident he/she deems necessary.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

Officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

321.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, State and Federal agency forms may be block printed as appropriate.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report stating the reasons for rejection. The original report and the correction form should be returned to the reporting Officer 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.

321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Departmentfor filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Department may be corrected or modified by the originating Officer only with the knowledge and authorization of the reviewing supervisor.

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News Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval to Captain, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any member of this Department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives will be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

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2. Whenever the presence of media or other aircraft to include drones, pose a threat to public or officer safety or significantly hampers incident operations, the shift Sergeant should notify the Incident Commander. The Incident Commander should notify SECOMM to request restriction of of air space over the area.

(c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member..

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Shift Sergeant or the Public Information Officer.

322.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of Officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

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At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under RCW 13.50.010 and RCW 13.50.050, or with prior approval of a court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the Department Public Information Officer, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56).

322.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to (RCW 42.56.240):

(a) Specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(b) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(c) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in RCW Chapter 9A.44 or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(d) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies.

(e) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the

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alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

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Court Appearance And Subpoenas

323.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that members appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

323.1.1 DEFINITIONS

On-Call - When an member has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an member receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an member remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an member'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.

323.2 POLICY

West Richland Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances. No member shall be retaliated against for testifying in any matter.

323.2.1 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). 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 Department member may be effected by serving the subpoena upon the Department office.

323.2.2 VALID SUBPOENAS

No subpoena shall be accepted for a member of this department unless it has been properly served and verified to have originated from a recognized legal authority.

323.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the member named in a subpoena, his/her immediate supervisor or the Records Department shall be authorized to accept service of a subpoena. Any authorized member accepting a subpoena shall immediately provide a copy of the subpoena to the Records Department. The Records Departmentshall maintain a chronological log

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of all department subpoenas and provide a copy of the subpoena to each involved member.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another member shall immediately check available schedules to determine the availability of the named member for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Records Department as well as a copy to the individually named member.

323.2.4 REFUSAL OF SUBPOENA

(a) Valid reasons for an individually named member 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 member from the Records Departmentand a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the Records Department with a specified reason for refusal as well as the dates when the member will become available. It shall then become the responsibility of the subpoena clerk to notify the assigned County Prosecutor or other attorney of record of the bona fide unavailability of the member.

(b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named member within sufficient time for the named member to comply with the subpoena, the supervisor or other authorized individual may return the subpoena to the issuing court with a request to quash.

(c) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named member within sufficient time for the named member to comply with the subpoena, the supervisor or the Records Department shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.

323.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, members are required to provide and maintain current information on their address and phone number with the Department.

If an member on standby changes his/her location during the day, the member shall notify the Records Department of how he/she can be reached by telephone. Members are required to remain on standby each day the case is on going until released by the courts..

323.2.6 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for actions taken off-duty not related to their employment with shall comply with the Department requirements of the subpoena. Members receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

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323.2.7 FAILURE TO APPEAR

Any member 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.

323.3 CIVIL SUBPOENAS

The Department will compensate members who appear in their official capacity on civil matters arising out of the member's official duties as directed by the current collective bargaining agreement.. In such situations, the Department will also reimburse any member for reasonable and necessary travel expenses.

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the County Prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Department

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

323.3.2 CIVIL SUBPOENA

323.3.3 OFF-DUTY RELATED SUBPOENAS

323.4 OVERTIME APPEARANCES

If the member appeared on his/her off-duty time, he/she will be compensated in accordance with the current member's current collective bargaining agreement.

The overtime on such appearance will be paid from the time the member left his/her residence until he/she returned.

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323.5 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

323.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed member should request a copy of relevant reports and become familiar with their content in order to be prepared for court.

323.5.2 COURTROOM ATTIRE

Members shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for women would consist of a dress jacket, dress blouse, and skirt or slacks.

323.6 COURTHOUSE DECORUM

Members shall 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.

323.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, County Prosecutor's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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Reserve Officers

324.1 PURPOSE AND SCOPE

The West Richland Police Department Reserve Unit was established to supplement and assist Officers in their duties. This unit provides professional, sworn volunteer reserve Officers who can augment regular staffing levels.

324.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS_DEPUTIES

The 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.

324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular Officers before appointment (RCW 43.101.095).

Before appointment to the Reserve Unit, an applicant must have completed, or be in the process of completing, a CJTC approved basic academy or reserve academy (WAC 139-05-810).

324.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

The West Richland Police Department shall immediately notify the CJTC of appointments on a CJTC personnel action report form (WAC 139-05-810).

324.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS_DEPUTIES

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. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

324.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division but Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

324.3.1 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.

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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.

324.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

324.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

324.4 FIELD TRAINING

324.4.1 TRAINING OFFICERS
Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Shift Sergeant approval.

324.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will patrol with a currently assigned department FTO to receive and evaluation which will count toward finishing the departments new officer training program.

324.4.3 FIELD TRAINING MANUAL
Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the West Richland 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.

324.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE
At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

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If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

324.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Shift Sergeant.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

324.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

324.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

324.4.8 IN-SERVICE TRAINING

All reserve officers will successfully complete an annual in-service training program of no less than 24 hours, which shall begin on Jan. 1 of the calendar year following appointment (WAC 139-05-300).

324.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers shall be under the immediate supervision of a regular sworn officer. The immediate supervision requirement shall continue for reserve officers unless special authorization is received from the Reserve Coordinator with the approval of the Captain.

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324.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers may, with prior authorization of the Reserve Coordinator and on approval of the Captain, be relieved of the immediate supervision requirement. In the absence of the Reserve Coordinator and the Captain, the Shift Sergeant may assign a certified reserve officer to function without immediate supervision for specific purposes and duration.

324.5.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

324.5.3 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.

324.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

324.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Captain.

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.

324.5.6 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 evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

324.6 FIREARMS REQUIREMENTS

324.6.1 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.

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324.6.2 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 standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

324.6.3 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 once a year.

(b) Reserve officers may fire at the department approved range with the approval of the Reserve Coordinator.

(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.

324.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

324.8 TERMINATION OF RESERVE OFFICER

If a reserve officer is terminated for any reason, including resignation, the West Richland Police Department shall notify the CJTC on a CJTC personnel action form within 15 days of the termination (WAC 139-05-810).

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Mutual Aid and Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Officers requesting mutual aid and/or providing outside Agency Assistance.

325.2 POLICY

It is the policy of the West Richland Police 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. This Department may also request an outside agency to provide assistance.

325.3 ASSISTING/REQUESTING OUTSIDE AGENCIES

Requests for any type of assistance from another agency should be routed to the Shift Sergeant for approval. The Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. In exigent circumstance, Officers may respond to a request for emergency assistance, however, they shall notify the Shift Sergeant of their activity as soon as practicable. This does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

The Shift Sergeant should direct assisting personnel to where they are needed and to whom they should report when they arrive.

Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to the Shift Sergeant approval, will this Department provide transportation of arrestees to other facilities on behalf of another agency. When transportation assistance is rendered, a report shall be prepared and submitted by the Officer handling member unless otherwise directed by the Shift Sergeant.

325.3.1 INITIATED ACTIVITY

325.4 REQUESTING OUTSIDE ASSISTANCE

325.5 REPORTING REQUIREMENTS

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325.6 EQUIPMENT SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Captain or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Captain and/or designee to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Department training records should document that the appropriate members have received the required training.

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Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the West Richland Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

326.2 POLICY

It is the policy of the Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 REGISTRATION

The Benton County Sheriff's Office shall establish a process to reasonably accommodate registration of certain offenders.

326.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

326.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS

Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9.41.330; RCW 9.41.333):

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering member may take photographs and fingerprints of the felony firearm offender.

326.4 MONITORING OF REGISTERED OFFENDERS

The Benton County Sheriffs Office is responsible for tracking, monitoring and dissemination of information regarding Registered Offenders within the Department's jurisdiction.

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326.4.1 OFFENDERS TRAVELING OUT OF THE COUNTRY

326.5 DISSEMINATION OF PUBLIC INFORMATION

Members who identify a significant risk or other public safety issue associated with a sex/ kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information website or the Benton County Sheriffs office website.

The Benton County Sheriff's Office is responsible for the release of local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

326.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

326.5.2 MANDATORY NOTIFICATION

326.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

(a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.

(b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.

(c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.

(d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

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326.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the appropriate person at a school or other educational institution as set forth in RCW 9A.44.138 of any sex/kidnapping offender who attends or is employed there, and for providing the following information about the offender:

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Photograph
- Risk level classification

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Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the West Richland Police Department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Department recognizes that certain incidents should be brought to the attention of the Captain and Chief of Police to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed. The Captain is responsible for making necessary notifications to the Chief of Police.

327.3 MINIMUM CRITERIA FOR NOTIFICATION

The following list of incident types is provided as a guide for notification to the Captain and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to a department member. on- or off-duty.
- Arrest of Department member.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Incident that causes significant damage to a residence or business.
- HAZMAT incidents.

327.4 SHIFT SERGEANT RESPONSIBILITY

327.4.1 STAFF NOTIFICATION

327.4.2 DETECTIVE NOTIFICATION

327.4.3 TRAFFIC COLLISION INVESTIGATOR NOTIFICATION

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327.4.4 PUBLIC INFORMATION OFFICER (PIO)

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Death Investigation

328.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially.

328.2 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. The Shift Sergeant shall be notified in all death investigations.

328.2.1 CORONER JURISDICTION OVER REMAINS

The Coroner 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 36 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 Coroner's autopsy or post mortem or Coroner'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, strangulation, suffocation or smothering.

(j) Where death is due to premature birth or still birth.

(k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.

(l) Where death results from alleged rape, carnal knowledge or sodomy.

(m) Where death occurs in a jail or prison.

(n) Where a body is found dead or is not claimed by relatives or friends.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the Coroner (RCW 68.50.050).

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328.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the Officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside Benton County, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

328.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

328.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

328.2.5 SUSPECTED HOMICIDE

If the initially assigned Officer suspects that the death involves a homicide or other suspicious circumstances, the Captain shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

328.3

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Identity Theft

329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

329.2 REPORTING

This Department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The member receiving the report will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving member may take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity. The member preparing the report should also cross-reference all other known reports made by the victim

Following supervisory review, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Qualified interpreter - A person who is able to readily interpret or translate spoken and written English for non-English speaking persons and to interpret or translate oral or written statements of non-English speaking persons into spoken. (RCW 2.43.020)

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Certified interpreter- A interpreter who is certified by the administrative office of the courts. (RCW 2.43.020)

Translate and/or transcription - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 POLICY

It is the policy of the Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

330.3 LEP COORDINATOR

The Captain shall delegate certain LEP responsibilities to the assigned member.

The responsibilities of assigned member include, but are not limited to:

(a) Coordinating and implementing all aspects of the Department's LEP services. to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and SECOM. The list should include information regarding the following:

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1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

330.5 TYPES OF LEP ASSISTANCE AVAILABLE

Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services. The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

330.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The assigned member will arrange to obtain these translated documents and make them available to members for use by LEP individuals.

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330.7 QUALIFIED INTERPRETER

Bilingual members may be qualified to provide LEP services when they have demonstrated through established Department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities. When a qualified bilingual member from this Department is not available, personnel from other qualified resources.

330.8 CERTIFIED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms, vocabulary or phraseology.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

330.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with Qualified interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures. Member's may also use available community volunteers who have demonstrated competence in interpretation or translation.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

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330.9 CONTACT AND REPORTING

Whenever any member of this Department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

330.10 INVESTIGATIVE INTERVIEWS

In situations where an interview reveals information that could be used as the basis for arrest or prosecution of an LEP individual and a certified interpreter is unavailable a qualified interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

330.11 BOOKINGS

When transferring custody of an LEP individual to a jail facility, Officers should notify booking staff of language barriers.

330.12 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or translated forms, as appropriate. Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

330.13 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Officer shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Records Department shall maintain records of all LEP training provided,

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and will retain a copy in each member's training file in accordance with established records retention schedules.

330.13.1 TRAINING FOR CERTIFIED AND QUALIFIED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Officer shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A visual language interpreter who is certified by the state or is certified by the registry of interpreters for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language. RCW 2.42.110.

331.2 POLICY

It is the policy of the West Richland Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Captain shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107).

The responsibilities of the ADA Coordinator include, but are not be limited to:

(a) Working with the City ADA coordinator regarding the Departments efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Department services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and SECOM. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Department consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Department-provided auxiliary aids or services or they may choose to provide their own.

331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

331.10 SOURCES OF AUTHORIZED INTERPRETERS

Where qualified interpreters are unavailable to assist, approved community volunteers, family or friends of the individual with disabilities may assist. However, Department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer,family or friend to ensure that the volunteer can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

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Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.11 REPORTING

Whenever any member of this Department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.12 INVESTIGATIVE INTERVIEW

In situations where an interview reveals information that could be used as the basis for arrest or prosecution of a hearing, speech or visually impaired individual qualified interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g, name and address) should be documented so that the person can be subpoenaed for trial if necessary.

Any Miranda warnings should be provided to the qualified interpreter to be relayed to the person in custody. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13 ARRESTS AND BOOKINGS

When transferring custody of an individual with hearing or speech disabilities to a jail facility, Officer should notify booking staff of the impairments.

331.14 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Captain.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

331.15 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Records Department shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Public Safety Video Surveillance System

332.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of the West Richland Police Department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

332.2 POLICY

The Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

332.3 OPERATIONAL GUIDELINES

Only Department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

332.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected Citydivisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

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(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document Officer and offender conduct during interactions to safeguard the rights of the public and Officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding Officersin a timely manner. Authorized operators may adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

332.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

332.4 VIDEO SUPERVISION

Shift Sergeants should monitor and document video surveillance access and usage to ensure members are within department policy and applicable laws.

332.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

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332.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

332.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

332.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Records Department for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established Department subpoena process.

332.7 TRAINING

All Department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training shall also address applicable state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

333.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by Officers of this Department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

333.2 POLICY

It is the policy of this Department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

333.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, Officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, Officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision.

Whenever reasonably possible,Officersshould take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, Officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the Officers at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

333.3.1 AFTER AN ARREST

Whenever an arrest is made, the Officers should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered, children or dependent adults.

Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

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(a) Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), Officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

(a) Except when a court order exists limiting contact, the Officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Children, Youth and Families for children under 18.

(e) Notify Adult Protective Services for vulnerable adults

(f) Notify the Shift Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting Officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling Officer should consider contacting the Department of Children, Youth and Families Child Protective Services. The officer should determine whether protective custody is appropriate RCW 26.44.050.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody RCW 26.44.050.

Under no circumstances shall a child or dependent adult be left unattended or without appropriate care.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the Department Child Abuse Policy (RCW 26.44.250).

333.3.2 REPORTING

(a) For all arrests where children are present or living in the household, the Officer will document the following information:

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1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting Officer will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

333.3.3 SUPPORT AND COUNSELING REFERRAL

If the Officer determines, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

333.4 TRAINING

The Training Officer is responsible to ensure that all Officers receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

334.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The West Richland Police Departmentrecognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

334.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

334.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Department affords to all other 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, a membermay direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this Department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the member is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the membershould ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

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Service Animals

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, Officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteer Program

335.1 PURPOSE AND SCOPE

It is the policy of this to utilize qualified volunteers for specified tasks and duties in order to increase efficiencies for the Department and improve services to the community. Volunteers help to increase Department responsiveness,delivery of services and information input, and provide new program opportunities.This policy addresses volunterr involvement through the Volunteers in Police Service (VIPS) program.

335.1.1 DEFINITION OF VOLUNTEER

A volunteer is an individual who performs a non-law enforcement service for the Department without promise, expectation or receipt of compensation for services rendered.

335.2 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. The function os the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within Department, and to direct and assist Department member and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work other Department members on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or designee, will be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for required duties.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Providing a copy of this policy to all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary volunteer program paperwork and information.

(h) Planing periodic recognition events.

(i) Addressing volunteer performance or conduct concerns.

335.3 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

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Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

335.4 PROPERTY AND EQUIPMENT

Any property issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

335.4.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Washington Driver's License.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers driving Department vehicles are expected to report any maintenance issues or concerns to their supervisor and to fill the gas tank if at one-quarter or less when returning the vehicle.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and volunteers are not authorized to operate a Department vehicle Code-3.

335.4.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

335.5 VOLUNTEER RESIGNATION/TERMINATION

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be

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afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

335.5.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

335.6 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

335.7 .2 RECRUITMENT

Volunteers should be recruited on an ongoing basis consistent with volunteer needs with consideration of the Department policy on equal opportunity nondiscriminatory employment.

The primary qualifications for participation in the VIPS program are graduation from the Citizens Academy and an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers by Department members should be submitted by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. The Volunteer Coordinator may withhold assignment of an volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

335.8 .3 SCREENING

All prospective volunteers will complete the volunteer application form. Following an initial review of the application and acceptable background check, the Volunteer Coordinator, or designee, should conduct a face-to-face interview with an applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include to, a traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed fro criminal history.

335.9 .4 SELECTION AND PLACEMENT

Service as a volunteer with the Department will begin with an official notice of acceptance to a volunteer position. Upon acceptance, each volunteer will be issued and identification card identifying that person as a Department volunteer and means for building access, if needed for their assignment.

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335.10 .5 TRAINING

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other members of the Department. They shall always represent themselves as Department volunteers. All volunteers shall comply with the rules of conduct contained in this policy and with all orders and directives, either oral or written, issued to them by the Department.

335.11 .6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to:

(a) Driver's license suspension or revocation

(b) Medical condition or medications that could affect performance of duties

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this Department in Policy 1002 regarding drug and alcohol use.

335.12 .7 DRESS CODE AND VOLUNTEER IDENTIFICATION

Volunteers will be viewed as representatives of the Department while performing public duties and as such are responsible for presenting a professional image to the community through their appearance and actions.

The City-issued WRPD volunteer identification card must be worn at all times while a volunteer is on-duty and removed when off-duty.

335.13 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteeer is under the direct supervision of a Department member. Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned.

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Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to members and other volunteers.

(b) Ensure volunteers have work space and necessary resources.

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Off-Duty Law Enforcement Actions

336.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an Officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for Officers of the West Richland Police Department with respect to taking law enforcement action while off-duty.

336.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, Officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

336.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and Department policy. All firearms and ammunition must meet guidelines as described in the Department Firearms Policy. When carrying firearms while off-duty Officers shall also carry their department-issued identification card.

336.3 DECISION TO INTERVENE

There is no legal requirement for off-duty Officer to take law enforcement action. However, should Officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty Officer were to intervene.

(f) Unfamiliarity with the surroundings.

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(g) The potential for the off-duty Officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed Officer to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

336.3.1 INTERVENTION PROCEDURE
If involvement is reasonably necessary, the Officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The Dispatcher should be informed that an off-duty Officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the Officer should loudly and repeatedly identify him/herself as a West Richland Police Officer until acknowledged. Official identification should be displayed as soon as practical.

336.3.2 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances Officers should call the responsible agency to handle the matter.

336.3.3 NON COMMISSIONED PERSONNEL RESPONSIBILITIES
Non commissioned personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

336.3.4 OTHER CONSIDERATIONS
When encountering a non-uniformed Officer in public, uniformed Officers should wait for acknowledgement by the non-uniformed Officer in case he/she needs to maintain an undercover capability.

336.4 REPORTING
Any off-duty Officerwho engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Department Use of Social Media

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the West Richland Police Department is consistent with the Department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Department (see the Investigation and Prosecution Policy).

337.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the Department website or social networking services.

337.2 POLICY

The Department may use social media as a method of effectively informing the public about Department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

337.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the designee may utilize social media on behalf of the Department. Authorized members shall use only Department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines must be approved by a Shift Sergeant prior to posting.

337.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Department mission and conforms to all Department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

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(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the Department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

337.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Department or its members.

(e) Any information that could compromise the safety and security of Department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will review the content for compliance with this policy, remove the content if non-compliant and investigate the circumstances of the entry. The supervisor may also remove any inappropriate public comments.

337.6 MONITORING CONTENT

Members should monitor the use of Department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

337.7 RETENTION OF RECORDS

The Captain or designee should work with the Records Department to establish a method of insuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

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337.8 TRAINING

Members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on Department sites.

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Native American Graves Protection and Repatriation

338.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

338.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

338.2 POLICY

It is the policy of the West Richland Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

338.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to publicize the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

338.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Extreme Risk Protection Orders

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of any firearms.

Ex parte extreme risk protection order – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

339.2 POLICY

It is the policy of the West Richland Police Departmentto petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Department pursuant to such orders.

339.3 EXTREME RISK PROTECTION ORDERS

An Officer who reasonably believes a person, including a person under the age of 18, is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm may consult with the Shift Sergeant to petition the court for an extreme risk protection order (RCW 7.94.030).

Officer's petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

(a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the person.

(b) Identify the number, types, and locations of any firearms that the Officer believes to be owned, possessed, accessed, controlled, or in the custody of the person.

(c) Identify any other known existing protection orders governing the person.

(d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Department.

(e) Include an attestation that the Officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the Officer

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reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

Officers may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing, or receiving a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.94.030; RCW 7.94.050).

339.3.1 NOTICE OF PETITION

When an Officer of the Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.94.030).

339.4 SERVICE

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Officers serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing, and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Department received the order. If the order is issued against a minor under the age of 18, Officers should also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement (RCW 7.94.060).

When timely personal service is not completed, the Officer should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The Officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

(a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.

    (a) The Officer should ensure the original receipt is forwarded to the Records Department.

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(b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.

(c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Department.

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

339.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the Officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

339.6 RECORDS DEPARTMENT RESPONSIBILITIES

The Records Department is responsible for ensuring that:

(a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Records Department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Department that lists outstanding warrants (RCW 7.94.110).

(b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (RCW 7.94.090).

(c) Any proofs of service for notices or orders are filed with the court.

(d) Expired or terminated orders entered into computer based-systems by the Department are removed (RCW 7.94.110).

339.7 COURT-ORDERED FIREARMS SURRENDERS

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

(a) Record the person’s name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.90).

    (a) The original receipt is to be forward to the Records Department.

(e) Package and submit the firearms in accordance with the Property and Evidence Policy.

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339.8 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

339.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Captain or designee is responsible for review of an extreme risk protection order obtained by the Department to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

339.10 STANDARD FOR ARREST

When an Officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the Officer shall make an arrest and take the person into custody (RCW 10.31.100).

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Community Relations

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

340.2 POLICY

It is the policy of the West Richland Police Department to promote positive relationships between Department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

340.3 OFFICER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses and community groups..

(c) Work with community members to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols facilitate interaction with community members. Officers carrying out foot patrols should notify SECOMM of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform SECOMM of their location and status during the foot patrol.

340.4 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The School Resource Officer should organize or assist with programs and activities that create opportunities for Department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., National Night Out, cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource Officer/School related presentations.

(e) Neighborhood Watch and crime prevention programs.

(f) Explorer Post program.

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340.5 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

340.6 COMMUNITY ADVISORY BOARD

The West Richland Police Department Community Advisory Board is a committee of community volunteers established to work in partnership with the Department to provide a community perspective to police policies and operations so as to enhance the Department's relationship with the community and to increase its effectiveness. Operations of the Board (membership determination, meeting frequency, election of chairman, records maintenance, etc.) are conducted in accordance with approved bylaws. Board meetings will be attended by the Chief of Police, or designee, as available.

Specific Board tasks are determined in discussion between the Board and the Chief of Police. Tasks may include the review and development support of Department policy manuals and procedures, review of public safety strategies, support of major Department and community public events, volunteer recruitment, and other tasks as determined by the Chief of Police.

340.6.1 WEST RICHLAND COMMUNITY CARE FOUNDATION

The West Richland Community Care Foundation is non-profit organization established to improve the quality of life for the residents of West Richland by addressing critical material or service needs identified by the Department through its interactions with the community. The Foundation provides credit cards to the Department for use by officers to procure necessary items or services that meet Foundation guidelines. Department management is responsible for managing the charges made by officers and providing required documentation to the Foundation.

340.7 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the Department's operations. The reports shall not contain the names of Officers, suspects or case numbers. The Chief of Police should work with the Community Advisory Board to identify information that may increase transparency regarding Department operations.

340.8 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

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(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the West Richland Police Department.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles,, 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 extra patrol of residential businesses and community presentations.

(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 such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol Division and other members 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.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow among Department members.

400.2.1 CRIME REPORTS

A crime report may be completed by any Shift Sergeant who receives criminal information. The report will be processed and the information will be entered on the daily patrol log for dissemination.

400.2.2 PATROL ROLL CALL BRIEFING AND TRAINING

Briefing provides an opportunity for important exchange between employees and supervisors. A Shift Sergeant generally will conduct briefing; however officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

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(a) Briefing officer's 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 officer's of changes in schedules and assignments.

(c) Notifying officer's of new Department Directives or changes.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

Any training conducted should be documented and forwarded to the Records Department for inclusion in training records.

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by Officers. These may include, but not be limited to, missing person/runaways, and the wanted persons clipboard.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available to Shift Sergeantsfor discussion at briefings and shift meetings. A copy of the Departmental Directives will be posted on the briefing room bulletin board.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A Shift Sergeant should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Crisis Intervention Incidents

401.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual

401.2 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

401.3 POLICY

The West Richland Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

401.4 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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401.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police, or designee, should collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide Department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

401.6 RESPONSE CONSIDERATIONS

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available and if possible. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional. Additional resources and a supervisor should be requested as warranted.

It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

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(i) Request a Shift Sergeant, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

401.7 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.
- Offer resources (i.e. CRISIS and Mobile Outreach, etc.)

401.8 SHIFT SERGEANT RESPONSIBILITIES

A Shift Sergeant should respond to the scene of any interaction with a person in crisis and should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care.

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing when appropriate.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

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401.9 INCIDENT REPORTING

Officers engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Officers having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Department reporting procedures or other official mental health or medical proceedings.

401.10 NON COMMISSIONED PERSONNEL INTERACTION WITH PEOPLE IN CRISIS

Non-commissioned personnel may be required to interact with persons in crisis in an administrative capacity, such as counter contacts, records request, and animal control issues. If Non-commissioned personnel believe that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

If the encounter makes the non-commissioned personnel feel unsafe or believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

401.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427).

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to West Richland Police Department members that affirms the Department's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.2 POLICY

The Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit Officers 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 PROHIBITIONS

The Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

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(a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

(b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.

(c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

402.4 MEMBER RESPONSIBILITY

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved Officershould include those facts giving rise to the Officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any Officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC STOPS

Each time an Officer makes a traffic stop, the Officer shall report any demographic information required by the Department (RCW 43.101.410). Officers shall include in the first portion of the comment section of the call comments the demographic information, reason for the stop and disposition.

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss alleged or observed violations with the involved member in a timely manner.

    (a) Supervisors should document these discussions, per Department policy.

(b) Supervisors should periodically review portable audio/video recordings, MDT data and any other available resource used to document contact between Officers and the public to ensure compliance with this policy.

    (a) Supervisors should document these periodic reviews.

    (b) Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this Department who discloses information concerning bias-based policing.

402.6 STATE REPORTING

Subject to any fiscal constraints, the Captain should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 ADMINISTRATION

The Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or Officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Each member of this Department will be required to complete an approved refresher training course every five years, or sooner if deemed necessary, in order to keep current with changing community trends (RCW 43.101.410(c)).

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Crime Scene Integrity

403.1 PURPOSE AND SCOPE

Protecting the integrity of a crime or critical incident scene is of the utmost importance allowing for protection of life, property, collection of evidence, apprehension and successful prosecution of criminals.

403.2 FIRST RESPONDER RESPONSIBILITIES

The following list generally describes the first responder's responsibilities at a crime or critical incident scene.

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Secure the inner perimeter.

(e) Provide first aid to injured parties if it can be done safely.

(f) Evacuate the location safely as required or appropriate.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a log noting critical times and personnel allowed access.

403.3 CAPTAIN RESPONSIBILITIES

The Captain is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

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(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

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Hazardous Material Response

404.1 PURPOSE AND SCOPE

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 the West Richland Police Department.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - Any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

404.2 POLICY

It is the policy of the Department to respond to hazardous material emergencies with due regard for the safety of the public and those officers responding to such incidents.

404.3 HAZARDOUS MATERIAL RESPONSE

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify SECOMM and the Shift Supervisor.

1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.
2. Driver’s manifest or statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

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(a) The type of material.

(b) How to secure and contain the material.

(c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first-aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

404.4 REPORTING EXPOSURE

Members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a their immediate supervisor. Each exposure shall be documented by memorandum that shall be forwarded via chain of command.

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.

404.4.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

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Hostage and Barricade Incidents

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

405.2 POLICY

It is the policy of the West Richland Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

405.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, Department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

405.3.1 EMERGENCY COMMUNICATIONS

A Incident Commander may order the telephone company carrier or internet provider to cut, reroute or divert telephone or wireless connection lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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405.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a shift Sergeant response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The first responding officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

405.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as SWAT Incident commander.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

405.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Stage Medics, and ensure injured persons are evacuated from the immediate threat area if it is safe to do so.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as SWAT Incident commander.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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405.5 SHIFT SERGEANT RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the Shift Sergeant should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Mental Health. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The Shift Sergeant should direct non-essential personnel away from the scene unless they have been summoned by the Shift Sergeant or SECOMM.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

405.6 REPORTING

The Shift Sergeant is responsible for completions and/or coordination of incident reports.

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Response to Bomb Calls

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the West Richland Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

406.2 POLICY

It is the policy of the Department to place a higher priority on the safety of persons over damage or destruction to public or private property.

406.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device. Other information such as gender of caller, voice qualities, background noise, etc, should be noted as well.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established Department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

406.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

406.4.1 WEST RICHLAND POLICE DEPARTMENT FACILITY

If the bomb threat is against the Department facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

406.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Department that is not a Department facility the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

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406.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

406.5 PRIVATE FACILITY OR PROPERTY

When a member of this Department receives notification of a bomb threat at a location in the City of West Richland, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

406.5.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

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(a) The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even if a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

406.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift Sergeant including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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406.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are considerations which will confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

406.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

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Emergent Detentions

407.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergent detention (RCW 71.05.153).

407.2 POLICY

It is the policy of the West Richland Police Department to protect the public and individuals through legal and appropriate use of the emergent detention process.

407.2.1 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 (RCW 71.05.153).

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.

407.2.2 TRANSPORTATION

When transporting any individual for a commitment, the handling officer should have SECOMM notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained if

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appropriate 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. A facility security staff member should be requested to relieve the officer as soon practical. Until relieved by security the officer should physically remain in the treatment room with the patient.

407.2.3 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.

407.2.4 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.

407.3 AUTHORITY

An officer who has reasonable cause to believe that a person is suffering from a mental disorder or a substance abuse disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital (RCW 71.05.153).

An officer may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a crisis responder designated by the county or other authority who has determined that the person, as the result of a mental disorder or substance abuse disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

An officer shall take a person who is the subject of a written court order for apprehension issued pursuant to RCW 71.05.201 into initial detention and transport the person to the designated facility or emergency room as determined by the designated crisis responder (RCW 71.05.201).

407.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergent detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.

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(b) If at any point the individual changes his/her mind regarding voluntary evaluation officers should proceed with the emergent detention, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

407.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other public safety issues.

407.5 TRANSPORTATION

When transporting any individual for an emergent detention, the transporting officer should have SECOMM notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

407.6 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention.

407.7 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for an emergent detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

407.8 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the emergency application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention.

407.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergent detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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Citation Releases

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the West Richland Police Department with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

408.2 RELEASE METHODS

Release by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

408.2.1 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 or written warnings to resolve minor traffic and criminal violations when appropriate.

408.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with state court rules.

408.3.1 FIELD RELEASE

Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor, 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)(1)).

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408.3.2 DISQUALIFYING CIRCUMSTANCES
In determining whether to release the person or to hold him or her in custody, 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.

408.3.3 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.

408.4 PROHIBITIONS
The release of a suspected offender on a citation and notice to appear is not permitted when:

(a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).

(b) An officer has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

408.5 CONSIDERATIONS
In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

(a) The suspected offender has identified him/herself satisfactorily.

(b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.

(c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.

(d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

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Ride-Along Policy

409.1 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 control for the Ride-Along Program.

409.1.1 ELIGIBILITY

The West Richland Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by the Administrative Sergeant.

409.2 PROCEDURE TO REQUEST A RIDE-ALONG

The requestor will complete a WRPD Citizen Consent to Ride form and submit it to the Department business office.. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the requestor is under 18 years of age, a parent/guardian must be present to sign the Ride-Along Form.

The Administrative Sergeant, or designee will schedule a date and time, based on officer availability, after the application has been approved. If approved, a copy of the ride along waiver form will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along application is denied a representative of the Department will contact the requestorand advise him/her of the denial.

409.2.1 PROGRAM REQUIREMENTS

Civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Officers family members, Explorers, Chaplains, Reserve Officers, police applicants, and all others with approval of the Administrative Sergeant. Normally, no more than one person may participate in a ride-along during a shift.

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409.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle unless authorized by the officer. The Shift Sergeant or officer may refuse a ride along to anyone not properly dressed.

409.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty officers of this Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty officer 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.

409.3 OFFICER'S RESPONSIBILITY

Prior to beginning the ride-along, the assigned officer shall complete the Orientation Check-Off Sheet on the back of the Citizen Consent to Ride Form by discussing each item with the person participating in the ride along.

The officer shall advise SECOMM that a ride-along is present in the vehicle and obtain a case number 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. SECOMM 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.

Upon completion of the ride-along, the Citizen Consent to Ride form shall be returned to the Shift Sergeant with any comments which may be offered by the officer.

409.4 CONTROL OF RIDE-ALONG

The officer shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer under all circumstances.

(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 rider may terminate the ride-along at any time.

(d) The ride-along may be terminated at anytime at the discretion of the officer especially if the rider interferes with the performance of the officer's duties.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) 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.

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(g) Under no circumstance shall a civilian ride along be permitted to enter a private residence without the expressed consent of the resident or other authorized person.

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Arrest or Detention of Foreign Nationals

410.1 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.

410.1.1 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.

410.2 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.

410.3 CLAIMS OF IMMUNITY

If an officer comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the officer should, without delay:

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(a) Notify the Shift Sergeant.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

410.3.2 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.

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410.3.3 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.

410.4 ENFORCEMENT ACTION

If the Department Of State is not immediately available for consultation regarding law enforcement action, officers shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

(a) Diplomatic-level staff of missions to international organizations and recognized family members

(b) Diplomatic agents and recognized family members

(c) Members of administrative and technical staff of a diplomatic mission and recognized family members

(d) Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.

2. Support staff of missions to international organizations

3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.

4. Honorary consular officers

410.4.1 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

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license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words “Diplomat” or “Consul.” Vehicles owned by honorary consuls are not issued OFM license plates; but may have Washington license plates with an “honorary consul” label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state, if the officer has reason to question the legitimate possession of the license plate.

The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the Department of State of the United States of America special plates of a distinguishing color and numerical series.

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability

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Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

410.6.1 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.

410.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of theChief of Police within 48 hours whether or not the claim is verified. The words “Immunity Claim” shall be marked on the photocopy, together with

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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. TheShift Sergeant 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 within 48 hours of the incident. The Chief of Police will check to ensure that notification of Department of State and all necessary follow-up occur.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

411.2 POLICY

The policy of West Richland Police 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 officers of this Department and others.

(e) When an emergency situation exists, to 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 officers of this Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officersshould consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.

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(b) Whether to wait for additional resources or personnel, This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.4 CONSIDERATIONS

When dealing with a crisis situation officers should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

The Captain should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

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(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

411.6 TRAINING

The Training Officer should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

411.7 SCHOOL NOTIFICATION

The Captain should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

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Reporting Police Activity Outside of Jurisdiction

412.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the West Richland Police Department.

412.1.1 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 theShift Sergeant. If the request is of an emergency nature, the officer shall notify the Shift Sergeant before responding and thereafter notify a supervisor as soon as practical.

412.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of West Richland shall notify theShift Sergeant as soon as practical. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Sergeant as soon as practical.

The Shift Sergeant shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the Captain.

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to officers of the West Richland Police Department for investigating and enforcing immigration laws.

413.2 POLICY

It is the policy of the Departmentthat all officers make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Departmentin protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 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.

413.3.1 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.

413.3.2 SWEEPS

The 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.

413.3.3 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.

Officers 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 an officer of this Department should be based upon the reasonable belief that an individual is involved in criminal activity.

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413.3.4 IDENTIFICATION
Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officershould 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 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.

413.3.5 ARREST
If the officerintends 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). The Shift Sergeant shall approve all such arrests.

413.3.6 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.

Any person detained for an infraction pursuant to the authority of RCW 46.61.021, may be detained, upon approval of the Shift Sergeant, for a reasonable period for the purpose of determining the person's true identity.

413.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT
Generally officers will not need to notify ICE when booking arrestees at the count jail. Immigration officials routinely interview suspected undocumented aliens who are booked in the county jail on criminal charges and notification will be handled according to jail operations procedures.

413.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Officers 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).

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413.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services must be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Administrative Sergeant.

The Administrative Sergeant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. 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 declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(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.

413.5 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Officer shall not: (as directed in RCW 10.93.160):

(a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.

(d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.

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(e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.

(f) Detain individuals solely for the purpose of determining their immigration status.

(g) Take a person into custody or hold a person in custody:

1. Solely for the purposes of determining immigration status
2. Based solely on a civil immigration warrant issued by a federal immigration authority
3. On an immigration hold request

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Emergency Utility Service

414.1 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 West Richland Police Department. Requests for such service received by this Department should be handled in the following manner.

414.1.1 BROKEN WATER LINES - 415.2.1

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 citizen'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, SECOMM should be notified.

414.1.2 ELECTRICAL LINES - 415.2.2

When a power line poses a hazard, SECOMM should be notified and an officer should be dispatched to protect against personal injury or property damage that might be caused by energized power lines.

414.1.3 RESERVOIRS, PUMPS, WELLS, ETC. - 415.2.3

In the event of street flooding or equipment malfunctions, SECOMM should be contacted.

414.2 TRAFFIC SIGNAL OUTAGE - 415.3

The City contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Washington.

414.2.1 OFFICER'S RESPONSIBILITY - 415.3.1

Upon observing a damaged or malfunctioning signal, the officer will advise SECOMM of the location and problem with the signal.

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Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide West Richland Police Department officers with guidelines for responding to aircraft accidents within the jurisdiction of the Department.

415.2 RESPONSE CONSIDERATIONS

415.2.1 POSSIBLE CRASH SITE HAZARDS

Officers should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

415.2.2 CRASH SCENE INTEGRITY

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. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer.

Officer 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 ordinance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

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 the National Transportation Safety Board (NTSB) or other authorized personnel arrive to take charge of the site. Military personnel will respond to take charge of any military aircraft involved.

415.3 RESPONSIBILITIES

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415.3.1 RESPONSIBILITY OVERVIEW
In the event of an aircraft crash, the primary responsibility of officers will be to maintain containment of the crash site until relieved by the investigating State or Federal authority.

415.3.2 FIRST RESPONDER RESPONSIBILITIES
The duties of the officers initially responding to the scene of an aircraft accident site include the following:

(a) Determine the nature and extent of the accident and relay any pertinent information on the need for additional assistance or resources to the Shift Sergeant and to SECOMM.

(b) If safe to do so, provide assistance for injured parties until the arrival of trained medical/ rescue personnel.

(c) Secure the perimeter around the crash site.

(d) Provide crowd control and other assistance until directed otherwise by the Shift Sergeant.

415.4 RECORDS MANAGER RESPONSIBILITIES - 416.3.3
The Records Manager is responsible for providing a copy of the accident report to the Washington State Department of Transportation - Aviation Division.

415.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES - 416.3.4
The Department Public Information Officer is responsible for the following:

(a) Being the point of contact for release of information from the Department.

(b) Obtaining information for a press release from the on-scene commander or his/her designee.

(c) Coordinating a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community.

Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

415.6 DOCUMENTATION - 416.4
All aircraft accidents occurring within the City of West Richland shall be documented.This documentation should include the following, as available:

(a) Date, time and location of the incident.

(b) Number of casualties and injured.

(c) Aircraft type and registration number (N number for civilian aircraft)

(d) Any witness statements, including:

1. The location of the witness at the time of his/her observation relative to the accident.

2. A detailed description of what was observed or heard.

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3. Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(e) Photographs or videos of the crash and/or crash site.

(f) Names of WRPD officers deployed.

(g) Identification of other City resources that were utilized.

(h) Cross-referencing information to other investigating agencies.

(i) If criminal activity is suspected, documentation on the appropriate crime report.

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Field Training Officer Program

416.1 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 West Richland 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.

416.2 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.

416.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of 2 years of patrol experience.

(c) Demonstrated ability as a positive role model.

(d) Holds a valid Peace Officer Certificate with CJTC.

416.2.2 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.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Captain or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

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(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

416.4 STUDENT OFFICER DEFINED

Any entry level or lateral police officer newly appointed to the West Richland Police Department who has successfully completed a CJTC approved Basic Academy.

416.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 14 weeks.

The training period for lateral officers may be modified depending on the student officer'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.

416.5.1 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 West Richland 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 West Richland Police Department.

416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation (DOR) on the performance of his/her assigned student officer to the FTO program supervisor on a daily basis.

(b) Review the Daily Observation Reports with the student officer each day.

(c) Complete a bi-weekly report on student officer's performance.

(d) Complete a detailed end-of-phase performance evaluation on his/her assigned student officer at the end of each phase of training.

(e) 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 student officer.

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416.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Field Training Sergeant.

416.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor.

416.6.4 STUDENT OFFICER
At the completion of the Field Training Program, the student officer shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

416.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports.

(b) Bi-weekly reports

(c) End of phase evaluations.

(d) Final recommendation from the FTO Sergeant

(e) Chiefs final approval

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Obtaining Air Support

417.1 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.

417.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor Shift Sergeant determines that the use of a helicopter would be beneficial, a request for helicopter assistance may be made to the Chief of Police, or designee. After approval, the closest agency having helicopter support available should be contacted and provided with details of the incident prompting the request.

Police helicopters may be requested under any of the following situations:

(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) To support vehicle pursuits.

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Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

418.2 POLICY

The West Richland Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

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suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Department to strengthen community involvement, community awareness, and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

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Whenever practicable, pat-down searches should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a Shift Sergeant and retained in compliance with this policy.

418.5.3 SHIFT SERGEANT RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, Shift Sergeant should monitor such practices in view of the above listed considerations. This is not to imply that Shift Sergeant approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.5.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal organization/ enterprise enforcement, the Shift Sergeant will forward the photo and documents to

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the Department Crime Analyst.The Crime Analyst will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Department for disposition.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with the Shift Sergeant to utilize available officers for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where a recorded statement may be obtained. Such witnesses, if willing, may be transported by an officer.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the West Richland Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system, (CIS) - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police or designee has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A Department Crime Analyst will be responsible for maintaining each criminal intelligence system that has been approved for Department use. The Crime Analyst or authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the Crime Analyst's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Department, such as open or public source documents or documents that are on file at another agency, the designated Crime Analyst should ensure copies of those documents are retained by the Records Department. Any supporting documentation for an entry shall be retained by the Crime Analyst in accordance with

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the established records retention schedule and for at least as long as the entry is maintained in the system.

The Crime Analyst should ensure that any documents retained by the Records Manager are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the Crime Analyst.

419.3.2 SYSTEM ENTRIES

It is the Crime Analyst's responsibility to approve the entry of any information into a criminal intelligence system operated by the Washington State Patrol and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the Department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the Crime Analyst for consideration of CIS entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the Administrative Sergeant.

(b) Should not be originals that would ordinarily be retained by the Records Department, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, SECOMM records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the Department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

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The Administrative Sergeant shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the Administrative Sergeant.

419.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

419.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to Department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the Captain or designee for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Administrative Sergeant should ensure that there are an appropriate number of Department members who can:

(a) Testify as experts on matters related to criminal street gangs, and should maintain and have knowledge abovethe regular patrol level with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 TRAINING

The Training Officer should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties

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(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

(f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

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Shift Sergeants

420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by a supervisor who is capable of making decisions and communicating in a manner consistent with West Richland Police Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Shift Sergeant will head each shift.

420.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as the Shift Sergeant, with the approval of the Captain, the Shift Sergeant will designate an officer as the acting Shift Sergeant for that shift, in most instances the senior qualified Patrol Officer shall be designated as acting supervisor. This policy does not preclude designating a less senior Patrol Officer as an acting supervisor when operational needs require or training permits.

This policy does not supersede appointment of an acting sergeant as detailed in the West Richland Police Officer Association Collective Bargaining Agreement (CBA).

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Mobile Data Terminal Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between West Richland Police Officers and SECOMM.

421.2 POLICY

Department Officers using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Officers forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Officers shall not access the MDT system if they have not received prior authorization and the required training. Officers shall immediately report unauthorized access or use of the MDT by another officer to the Shift Sergeant.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that an officer has questions about sending a particular message or accessing a particular database, the officer should seek prior approval from his/her Shift Sergeant.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another officer's name or to use the password of another officer to log in to the MDT system unless directed to do so by a Shift Sergeant. Officers are required to log off the MDT or secure the MDT when it is unattended.

421.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an vehicle operator attempt to send or review lengthy messages on the MDT while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other Department-established protocol, all calls for service assigned by a SECOMM should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the officer's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by SECOMM.

(c) Whenever the activity or contact is not initiated by voice, the officer shall document it via the MDT.

421.5.1 STATUS CHANGES

Officers responding to in-progress calls should advise changes in status over the radio to assist other officers responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the officer does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the officer. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Officers should ensure the Shift Sergeant is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT

Whenever possible, officers will not use vehicles with malfunctioning MDTs. Whenever officers must drive a vehicle in which the MDT is not working, they shall notify SECOMM. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

421.6.2 BOMB CALLS

When investigating reports of possible bombs, officers should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Medical Marijuana

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers of the West Richland Police Department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

422.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Authorization - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

Designated provider - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

Medical use of marijuana - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.

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- Is not under supervision for a crime that does not allow for the use of medical marijuana.

Recognition Card - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

422.2 POLICY

It is the policy of the West Richland Police to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

422.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

(a) No medicinal claim is made.

(b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.

(c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

422.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

422.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited

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if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

(a) 48 ounces of marijuana-infused product in solid form

(b) 3 ounces of useable marijuana

(c) 216 ounces of marijuana-infused product in liquid form

(d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and marijuana seeds from a licensed marijuana producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

422.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

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422.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

(a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

1. The medical condition itself.
2. The quality of the marijuana (chemical content).
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.

(b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, officers should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).

(c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).

(d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).

(e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).

(f) The Washington State Department of Health maintains a Medical Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

422.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

(a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.

(b) Uses or displays medical marijuana in a manner or place open to the view of the public.

(c) Produces fraudulent documentation.

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422.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

422.6 PROPERTY CUSTODIAN RESPONSIBILITIES

The Property Custodian shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by the Benton County Prosecuting Attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Property Custodian should return to that person any usable marijuana, plants, drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Property Custodian may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Property Custodian may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Captain.

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Use of Audio Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Procedure Policy).

423.2 POLICY

The West Richland Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

423.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

423.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

423.5 ACTIVATION OF THE RECORDER

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

Absent a court order, no member of this department may record a face to face conversation without first informing everyone present, including the party to the conversation, that the conversation is being recorded, except as provided in RCW 9.73.090.

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At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

423.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER
Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

423.6 PROHIBITED USE

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

423.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

423.7.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

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423.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

423.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

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Bicycle Patrol Unit

423.1 PURPOSE AND SCOPE

The West Richland Police Department may establish the bicycle patrols for the purpose of enhancing patrol efforts in the community. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

All bicycle operations shall be in compliance with the rules of the road except when responding to an emergency call or when in pursuit of an actual or suspected violator. Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

423.3 SELECTION OF PERSONNEL

Officers authorized for bicycle patrol duties will be evaluated by the Captain based on the following criteria:

(a) Recognized competence and ability to perform required bicycle patrol duties.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

423.3.1 BICYCLE PATROL SUPERVISOR

The Captain, with the assistance of the Administrative Sergeant, shall supervise and be responsible for the following over the bicycle patrol officers:

(a) Organizing required bicycle patrol training.

(b) Inspection and Maintenance of patrol bicycles and related equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

423.4 TRAINING

Officers must complete an initial Department-approved bicycle-training course. The initial training shall include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

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Recurrent training will focus on in-service training to improve skills and refresh safety, health and operational procedures.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

423.5 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the Department's bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other Department-approved shirt with Department badge and patches and Department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other Department equipment needed while on bicycle patrol.

423.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike’s saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with at least one blue lamp and a siren capable of giving an audible signal (RCW 46.37.190; WAC 204-21-130).

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

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.

423.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this Department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

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Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist West Richland Police Department in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 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 officers, 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 officers 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 officers.

424.3 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 support
- Saturation of the area with patrol officers
- 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.

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424.4 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of officers or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by the Shift Sergeant 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 SECOMM 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 backup 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 officers 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.

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424.5 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a Shift Sergeant, 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 backup officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit

(d) 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 SECOMM 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.

424.6 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 officer 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.

424.7 SHIFT SERGEANT RESPONSIBILITY

Upon becoming aware of a foot pursuit, the Shift Sergeant 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 Shift Sergeant should respond to the area whenever possible; the Shift Sergeant does not, however, need not be physically present to exercise control over the pursuit. The Shift Sergeant shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

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The Shift Sergeant 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 Shift Sergeant shall promptly proceed to the termination point to direct the post-pursuit activity.

424.8 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 Shift Sergeant may authorize that the initiating officer need not complete a formal report.

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Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that West Richland Police Department members understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Department recognizes that members of the homeless community are often in need of special protection and services. The Department will address these needs in balance with the overall missions of this Department.

425.1.1 POLICY

It is the policy of the Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

425.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this Department to act as the Homeless Community Liaison. The responsibilities of the Homeless Community Liaison include the following:

(a) Maintain and make available to all Department members a list of assistance programs and other resources that are available to the homeless.

(b) Meet with representatives of area organizations that render assistance to the homeless (e,g,m Benton Franklin Community Action Committee).

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this Department involving the removal of personal property of the homeless to ensure their rights are not violated.

(f) Develop training to assist members in understanding current legal and social issues relating to the homeless.

425.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent

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misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Abuse of Vulnerable Adults Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

(h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

425.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, the Shift Sergeant should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the Shift Sergeant's responsibility to coordinate the removal and safekeeping of the property.

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Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of the Shift Sergeant or the Department Homeless Community Liaison. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Community Liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department Homeless Community Liaison if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Community Liaison to address the matter in a timely fashion.

425.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by the Shift Sergeant.

425.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and Shift Sergeant notification.

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Public Recording of Law Enforcement Activity

426.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve West Richland Police Department officers. In addition, this policy provides guidelines for situations where the recordings may be evidence.

426.2 POLICY

The Department recognizes the right of persons to lawfully record officers who are performing their official duties. Officers will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record officers performing their official duties.

426.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

426.4 OFFICER RESPONSE

Officers should promptly request that the Shift Sergeant respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the Shift Sergeant to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful.

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Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

426.5 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The Shift Sergeant should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department officers, such as how and where to file a complaint.

426.6 SEIZING RECORDINGS AS EVIDENCE

Officersshould not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    (a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    (b) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a Department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The West Richland Police Department respects the rights of people to peaceably assemble. It is the policy of this Department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

The Shift Sergeant should continually observe officers under his/her command to ensure that interaction with participants and their response to crowd dynamics is appropriate.

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427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident
-

Initial assessment information should be promptly communicated to SECOMM, and Shift Sergeant response should be requested. Additional resources should be requested as appropriate. The Shift Sergeant shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved officers. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

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(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see Mutual Aid and Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current Department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electro-muscular-disruption-technology-device (EMDT)s should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial

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property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by an officer of this Department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

427.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved officers should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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427.11 POST EVENT

The Incident Commander should designate an officer to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, SECOMM records/tapes

(g) Media accounts (print and broadcast media)

427.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

427.12 TRAINING

Department officers should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

428.1 PURPOSE AND SCOPE

This policy provides members of the West Richland Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Crimes of Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

428.2 POLICY

The Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, officers of this Department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, officers will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

428.3 GENERAL CONSIDERATIONS

When appropriate, officers handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Officers must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, officers should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and officers should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) officers should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) officers shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) officers are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) officers should not take an unreasonable amount of time assisting in these matters and generally should contact the Shift Sergeant if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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428.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the officer should consult the Shift Sergeant prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

428.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

428.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

428.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

a. The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises.

b. The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

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Crisis Intervention Incidents

429.1 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police or hid designee should collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.2 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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429.3 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

429.4 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

429.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Captain.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.6 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

429.6.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergent Detentions Policy.

429.6.2 SUICIDE THREATS OR ATTEMPTS

Officers should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for an emergent detention or voluntarily consent to immediate evaluation at a mental health facility (RCW 71.05.457).

(a) Referrals should be made to the person by providing the name and phone number of the mental health agency and any available handouts.

(b) The officer may notify the mental health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a mental health agency should be sufficiently detailed regarding the nature of the incident and the person’s behavior, to facilitate the mental health agency’s prioritization and nature of their response. The officer should promptly provide a copy of the report to the referred mental health agency (RCW 71.05.457).

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429.7 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

429.8 EVALUATION

The Captain designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

429.9 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

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Medical Aid and Response

430.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

430.2 POLICY

It is the policy of the West Richland Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact SECOMM and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide SECOMM with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

430.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

430.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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One department member at the scene should be designated as the air ambulance communications contact if necessary. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

430.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

430.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Officer who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact SECOMM as soon as possible and request response by EMS (RCW 70.54.310).

430.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

430.8.3 AED TRAINING AND MAINTENANCE

The Training Officer should ensure appropriate training is provided to members authorized to use an AED.

The Training Officer is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

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430.9 ADMINISTRATION OF EPINEPHRINE

The Chief of Police shall designate a trained member to be responsible for the storage, maintenance and oversight of the epinephrine auto-injector devices pursuant to a prescription from an authorized health care provider as provided by RCW 70.54.440.

430.9.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store and administer the medication consistent with their training. Trained members may administer epinephrine on the premises of the West Richland Police Department or provide an epinephrine auto-injector to a person for immediate self-administration when there is a good faith belief the person is experiencing anaphylaxis (RCW 70.54.440).

Any member who administers epinephrine should contact SECOMM as soon as possible and request response by EMS.

430.9.2 EPINEPHRINE USE REPORTING

Any member administering epinephrine should detail its use in an appropriate report. All uses shall be immediately reported to the DOH on the appropriate DOH form (RCW 70.54.440).

430.9.3 EPINEPHRINE TRAINING

The Training Officer shall ensure that members authorized to use epinephrine auto-injector devices successfully pass a training course by a nationally recognized organization experienced in training emergency health treatment or an approved DOH training course and receive the appropriate certificate of completion prior to use (RCW 70.54.440).

430.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

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430.11 FIRST AID TRAINING

Subject to available resources, the Training Officer should ensure officers receive periodic first aid training appropriate for their position.

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Naloxone Policy

431.1 NALOXONE PROCEDURE

I. PURPOSE

A. Nasal Naloxone is a nasal spray which may counteract the effects of a heroin or other opioid overdose. It is designed to reverse the depressive effects of opioids on the respiratory system with just one application. The use of the nasal application reduces the chances of an accidental needle stick to the rescuer or others. The purpose of this policy is to establish guidelines for the West Richland Police Department governing the use of Nasal Naloxone.

II. DEFINITION

(a) Officers: Refers to any sworn staff member employed by the West Richland Police Department, regardless of rank, who is trained in the use of the Naloxone kit.

(b) Safety Equipment: Includes department authorized or issued face mask or shield, protective latex gloves and hazardous materials disposal container.

III. POLICY

(a) It is the policy of the West Richland Police Department that certain sworn officers will be trained in the use of Nasal Naloxone and that they will carry the Naloxone kit in their patrol car and/or on their person while on duty.

IV. PROCEDURE

(a) Naloxone may be used when responding to a call where the Officer reasonably believes that a person is in an opioid-induced state based on any or all of the following, non-exclusive examples:

(a) When advised by the dispatcher that a given person appears to be suffering an opioid overdose at a given location;

(b) When observing drugs, drug paraphernalia, or any drug instrument associated with the individual and opioid; or

(c) When the person is found to be unresponsive, there is an absence of breathing or the victim has no pulse, is unresponsive to a sternum rub, and has bluish lips or nail beds.

(d) When a witness that is present gives information or evidence that would lead a reasonable person to believe the person is suffering from a drug overdose.

(e) Officers will immediately verify with the dispatcher that the closest emergency medical service (EMS) is either on the way or is to be dispatched. Officer's will then place the victim in the "rescue" position and administer the Naloxone. Officers will continue to render the appropriate first aid until the arrival of EMS to transport the victim to the hospital.

(b) Once the administration is complete and the area is secured, Officer's will complete the Naloxone Usage Form and forward it to his/her supervisor. (Form attached - **LAW ENFORCEMENT NALOXONE ADMINISTRATION REPORT**)

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V. GOOD SAMARITAN DRUG OVERDOSE LAW

A. Revised Code of Washington 69.50.315 states that:

(1) A person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the charge of possession of a controlled substance was obtained as a result of the person seeking medical assistance. (b) A person acting in good faith may receive a naloxone prescription, possess naloxone, and administer naloxone to an individual suffering from an apparent opioid-related overdose.

(2) A person who experiences a drug-related overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the charge of possession of a controlled substance was obtained as a result of the overdose and the need for medical assistance.

(3) The protection in this section from prosecution for possession crimes under RCW 69.50.4013 shall not be grounds for suppression of evidence in other criminal charges.

VI. SAFETY

(a) The safety of the victim and Officer are paramount for the Naloxone to be successful, therefore;

(b) Officer's that expect to use the Naloxone kit shall, whenever possible employ safety measures to reduce the possibility of bloodborne pathogen exposure.

(c) These steps shall at least include wearing safety equipment before administering Naloxone and disposing of the used Naloxone container and safety equipment in an approved bio-hazard container immediately following its use.

(d) It is important to remember that a victim can quickly become combative once the Naloxone takes effect.

(e) Officer's must be aware of their surroundings while at these medical scenes and be prepared for secondary threats.

VII. MAINTENANCE/REPLACEMENT

(a) Upon completion of training, a Nasal Naloxone kit and replacement prescription will be supplied to the Officer as their standard issue equipment. It is the Officer's' responsibility to ensure it is handled correctly and available when needed. It is a sun and temperature sensitive prescription medication and has a lifespan of two (2) years.

(b) Officers are expected to check the Naloxone kit regularly to ensure it is not expired and will contact the prescribing authority for replacement of an expired medication.

(c) Expired medications in kits shall be disposed of at any authorized Drug Take Back location.

VIII. RECORDS KEEPING

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(a) The Training Coordinator shall maintain a list of all West Richland Police Department personnel who have been trained in the use of Naloxone. The training coordinator shall maintain a file showing each instance when Naloxone was used, by whom, and the outcome of the administration.

(b) After application of Naloxone or disposal of expired medication in a kit, Officer's will complete a self-addressed form in the kit and forward a copy to the training coordinator.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. The West Richland Police 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 Department. Information provided by the SECTOR data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

a. Location

b. Time

c. Day

d. Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Department does not judge the quality of an officer by the number of tickets, but by their success in meeting the goals of this policy. The officers will use, at minimum, the following methods which have proven effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

(a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer’s presence

(b) When the offense is one or more of the violations listed in RCW 10.31.100(3)

(c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of the Shift Sergeant before making an arrest.

500.4 RADAR TRAILER

The radar trailer will be deployed for the traffic safety needs of the Department. Any traffic studies needed will be requested through the City's Public Works Department.

500.5 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.5.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

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500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of officers who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests will be worn at any time increased visibility would improve the safety or efficiency of the officer.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an officer will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officersShall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by the Shift Sergeant.

Officers assigned to plainclothes details should don the high visibility vest when performing investigations or duties which subject them to hazards/of approaching traffic or construction and recovery equipment.

500.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each patrol and investigation vehicle and gear bag of each Department bicycle.

A supply of high-visibility vests will be maintained for replacement of damaged or unserviceable vests. The Administrative Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.7 HAZARDOUS ROAD CONDITIONS

The Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.8 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the Captain or their designee to establish a report form and a procedure for school crossing guards to report speed violations to the Department. The reporting forms may be made available to adult school crossing guards and to Richland School District 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

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(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 Department no more than 72 hours after the alleged violation occurred (RCW 46.61.275(1)).

500.8.1 NOTIFICATION OF INFRACTION

The Shift Sergeant or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator shall contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

500.9 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Department whenever they occur within the Department's jurisdiction.

The Captain or their designee should establish a report form and procedure for a school districts to report school bus stop-arm violations (RCW 46.63.180).

500.9.1 NOTIFICATION OF INFRACTION

The Shift Sergeant or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The West Richland Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by officers of this Department shall be forwarded to the Shift Sergeant for approval and data entry into Sector. The Chief of Police or designee will be responsible for quarterly reports on traffic collision statistics.

501.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This Department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by members who have completed department-approved training.

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 officer's shift.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of the Shift Sergeant when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, an officer report shall be completed and forwarded to the Captain.

Photographs of the collision scene and vehicle damage shall be taken by the traffic investigator or any supervisor.

501.3.2 TRAFFIC COLLISIONS INVOLVING POLICE DEPARTMENT MEMBERS

When a member of this Department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Department resulting in a serious injury or fatality, the Collision Investigator or the Shift Sergeant, may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.3.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS

The Collision Investigator or the Shift Sergeant may request assistance from the Washington State Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

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501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a substantial amount of damage was incurred, a hit-and-run violation, or RCW violation. An Incident or SECTOR Report should be taken at all reportable accident scenes.

501.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this Department under any of the following circumstances:

(a) When there is a death or injury to any person(s) involved in the collision.

(b) When there is an identifiable violation of the Revised Code of Washington.

(c) When there is Property damage exceeding the dollar amount currently established by WSP.

(d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will to used to document the collision (RCW 46.52.070).

501.4 NOTIFICATION OF DEPARTMENT COLLISION INVESTIGATOR
In the event of a serious injury or death related traffic collision, the Shift Sergeant shall first notify the Department Collision Investigator to respond to the collision scene.The Shift Sergeant will then notify the Captain of the incident. If the Department Collision Investigator is not available then the Shift Sergeant will contact the Captain to request which resource should be called out to the scene.

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the West Richland Police Department.

502.2 RESPONSIBILITIES

The responsibilities of those officers storing or impounding a vehicle are as follows.

502.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to SECOMM.When there is no preferred company requested, a company will be selected from the rotational list of towing companies maintained by SECOMM.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing service for the City. The officer will then store the vehicle using the Uniform Washington State Tow/Impound and Inventory Record.

502.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by officers personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, to comply with posted signs, or to move the vehicle into evidence impound.

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502.2.4 RECORDS DEPARTMENT RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Department, Records Department personnel will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

502.3 TOWING SERVICES

The City periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

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When a vehicle is towed for evidence that has been processed by officers the City-contracted tow company will be called to take possession after search is complete.

Nothing in this policy shall require the Department to tow a vehicle.

502.4 VEHICLE SAFEKEEPING FOLLOWING ARREST

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this Department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

(a) Whether the offense for which the subject was arrested mandates vehicle impound (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2)).

(b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.

(c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.

(d) Whether the vehicle can be secured.

(e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.

(f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).

(g) Whether the owner/operator requests that the vehicle be stored.

(h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the officer shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

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Officers conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property. Photographs should be taken when practical.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to 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.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, officers shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

503.2 IMPOUND HEARING

When a vehicle is impounded by any member of the West Richland Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

503.2.1 HEARING PROCEDURES

When requested, a hearing will be held at the Department within five days of the receipt of the request. The Department will appoint a Hearing Officer who will conduct the hearing and render a judgment. The officer who caused the removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle impound hearing officer shall consider all information provided and determine whether the vehicle was impounded consistent with law and department policy. The Department will have the burden of proving by preponderance of the evidence that the vehicle was impounded lawfully and within policy.

If a decision is made that the vehicle was impounded within the law and Department policy, the hearing officer shall advise the inquiring party that they may appeal the decision with the district court for a final judgment (RCW 46.55.240(1)(d)).

A decision that the vehicle was not impounded in a lawful manner or within Department policy will require that the vehicle in impound be released immediately. Towing and storage fees will be paid at the Department's expense (RCW 46.55.120(3)(e)).

If a decision is made that the vehicle was not impounded in a lawful manner or within Department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the Captain. The hearing officer will recommend to the Captain that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to West Richland Police Department officers who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Department is committed to the safety of the roadways and the community, and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

504.4 FIELD TESTS

The Captain should identify standardized Field Sobriety Tests and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

(a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.

(b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).

(c) The officer has stopped a commercial motor vehicle driver operating a Commercial Motor Vehicle and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Shift Sergeant.

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Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

504.5.2 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

504.5.3 STATUTORY NOTIFICATIONS
An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

504.6 REFUSALS
When an arrestee refuses to provide a chemical sample, officers shall:

(a) Advise the arrestee of the requirement to provide a sample.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

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504.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request the Shift Sergeant to respond.

The Shift Sergeant should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

    2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a Shift Sergeant is unavailable, officers are expected to use sound judgment and perform as a Shift Sergeant, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST
An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

504.7.2 OFFICER RESPONSIBILITIES
If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

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(a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.

(b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).

(c) Advise the person that his/her license or permit is a temporary license.

(d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:

1. The officer had reasonable grounds to believe the person was DUI.
2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

(e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify Child Protective Services as required in the Child Abuse and Neglect Policy (RCW 46.61.507).

504.7.3 STATUTORY WARNING

An officer requesting that a person submit to a chemical test shall provide the person with the mandatory warnings pursuant to RCW 46.20.308(2).

504.7.4 TYPE OF CHEMICAL TESTING

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308(3)).

Blood tests may be administered (RCW 46.20.308):

(a) When the person is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitation.

(b) When the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance or other similar facility.

(c) When the officer has reasonable grounds to believe that the person is under the influence of a drug.

(d) When otherwise provided for in this policy.

504.7.5 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

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504.8 RECORDS MANAGER RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by either the City Attorney or the Benton County Prosecuting Attorney's office. The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DOL.

504.9 ADMINISTRATIVE SERGEANT RESPONSIBILITIES

The Administrative Sergeant is responsible to ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested by the Washington State Patrol, or other approved agency, and that a record of such service and testing is properly maintained.

504.10 ADMINISTRATIVE HEARINGS

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the City Attorney and/or the Benton County Prosecuting Attorney, which ever applies.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.11 TRAINING

The Training Officer should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Officer should confer with the City Attorney or the Benton County Prosecuting Attorney's office and update training topics as needed.

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Dismissal, Correction and Voiding of Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the procedure for dismissal, correction, and voiding of traffic citations issued by West Richland Police Department officers.

505.2 RESPONSIBILITIES

The Records Department shall be responsible for the supply and accounting of all traffic citations issued to officers of the Department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Officers 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 Shift Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Shift Sergeant may request the Captain to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her Shift Sergeant of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Captain for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the correction to the City attorney requesting the specific correction..

505.6 DISPOSITION OF TRAFFIC CITATIONS

Upon separation from employment with the Department, all officers issued traffic citations books shall return any unused citations to the Records Department.

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505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile citation.

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Disabled Vehicles

506.1 PURPOSE AND SCOPE

The West Richland Police Department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

506.2 POLICY

It is the policy of the Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Officers should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

506.3 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, SECOMM should be advised of the location of the disabled vehicle and the need for assistance.

506.4 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by an officer will be contingent on the time of day, the location, the availability of Department resources, and the vulnerability of the disabled motorist.

506.4.1 MECHANICAL REPAIRS

Officers shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by officers by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.4.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The officer may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Vehicle Seizure and Forfeiture

507.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

507.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

507.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with Policy Manual § 526 and its subsections are handled by the Traffic Division.

507.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

(a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,

(b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and

(c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle should be impounded as provided under the authority of RCW 46.55.113(1).

507.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

(a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.

(b) Upon a court order.

(c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

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Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

507.4 VEHICLE FORFEITURE

It is the policy of the West Richland Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

507.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

(a) The following procedure shall apply in such cases:

1. Persons requesting a forfeiture hearing must complete and sign an West Richland Police Department Forfeiture Request Form;
2. All hearings shall be scheduled and conducted in a timely fashion.
3. The hearing officer(s) shall be designated by the Chief of Police.
4. The decision of the hearing officer shall be considered final.

(b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.

(c) The vehicle shall be considered forfeited under the following circumstances:

1. If, forty-five days after the seizure, no person has notified the West Richland Police Department of a claim of ownership or right to the vehicle.
2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.

(d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

507.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the West Richland Police Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the West Richland Police Department:

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(a) The Shift Sergeant or his/her designee shall determine the disposition of all vehicles legally forfeited to the West Richland Police Department. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.

(b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).

(c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).

1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).

(d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).

(e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

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Vehicle Seizure and Forfeiture

507.1 <B>PURPOSE</B><B> AND SCOPE</B>

This policy describes the authority and procedure for the seizure and forfeiture

of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

507.2 POLICY

It is the policy of the West Richland Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058

507.3 <B>SUSPENSION OF WASHINGTON DRIVER LICENSES</B>

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

507.4 <B>VEHICLE SEIZURE PROCEDURES</B>

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

(a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,

(b) The arrestee must be provided with a Department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and

(c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle should be impounded as provided under the authority of RCW 46.55.113(1).

507.4.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

(a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.

(b) Upon a court order.

(c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

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Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

507.5 <B>VEHICLE FORFEITURE</B>

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

507.5.1 FORFEITURE HEARING

Persons notified of seizure have 45 days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

(a) The following procedure shall apply in such cases:

  (a) Persons requesting a forfeiture hearing must complete and sign an West Richland Police Department Forfeiture Request Form;

  (b) All hearings shall be scheduled and conducted in a timely fashion.

  (c) The hearing officer(s) shall be designated by the Chief of Police.

  (d) The decision of the hearing officer shall be considered final.

(b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.

(c) The vehicle shall be considered forfeited under the following circumstances:

  (a) If, 45 days after the seizure, no person has notified the Department of a claim of ownership or right to the vehicle.

  (b) After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.

  (c) A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.

(d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

507.6 <B>PROCEDURES FOLLOWING FORFEITURE</B>

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Department:

(a) The Captain or his/her designee shall determine the disposition of all vehicles legally forfeited to the Department. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.

(b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).

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(c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).

(a) Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).

(d) A copy of the records of all forfeited vehicles shall be filed with the Washington State Treasure each calendar quarter (RCW 46.61.5058(10)).

(e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the Washington State Treasurer (RCW 46.61.5058(12)(13)).

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations by the West Richland Police Department.

600.2 POLICY

It is the policy of the Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CONSTITUTIONAL MATTERS

All members of the 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.

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following process:

(a) Make a preliminary determination of whether a crime has been committed based on the following and at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

(a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.

(b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.

(c) If assistance is warranted, or if the incident is not routine, notify a Shift Sergeant.

(d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

(e) Collect any evidence.

(f) Take any appropriate law enforcement action.

(g) Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-COMMISSIONED PERSONNEL RESPONSIBILITIES

Non-commissioned personnel assigned to any preliminary investigation are responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-

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face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.3.3 ARRESTS BY PRIVATE PERSONS

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Captain. Copies of recorded interrogations

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or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

  (a) In these cases, the investigator officer shall document that the person was warned and why prosecution was not sought.

  (b) Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Crimes of Domestic Violence, Child Abuse and Neglect, Sexual Assault Investigations and Abuse of Vulnerable Adults policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this Department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any Department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without the Captain's approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires the Captain's approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the Captain's approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires the Captain's approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers shall seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Captain

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or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the West Richland Police Department authority and procedure for the seizure, forfeiture and disposition of property associated with designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Department seizes property for forfeiture or when the Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The Department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Generally includes, but is not limited to:

(a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).

(b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).

(c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).

(d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).

(e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).

(f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).

(g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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(h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).

(i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue shall never be a consideration for forfeiture and shall never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

It is the policy of the Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

Approval to execute a forfeiture is required from the Chief of Police or designee prior to service of forfeiture on the owner or the property.

601.2.1 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.

601.3 ASSET SEIZURE

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601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of the Shift Sergeant and in coordination with the forfeiture reviewer:

(a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.

(b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.

(c) Property subject to forfeiture can also be seized without a court order when:

1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).
2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9. 68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).
3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, “bootlegging,” criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, obtaining a court order for seizure prior to making a seizure is the preferred method.

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel’s current minimum forfeiture thresholds should not be seized.

(b) Property from an “innocent owner,” or a person who had no knowledge of the offense or who did not consent to the property’s use.

(c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).

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(d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

601.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded to a wrecking or tow storage yard. The officer seizing the vehicle shall notify the Shift Sergeant of the seizure of the vehicle and circumstances of the seizure as soon as possible. A conservative approach should be used in seizing personal property including vehicles.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping. The officer will complete a proper inventory and photographs of the vehicle and document the condition on the impound / tow report form.

601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

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601.5 MAINTAINING SEIZED PROPERTY

The Property Room Manager/Evidence Technician Officer is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

(e) Written notification to the City Finance Department is completed in a timely manner and ongoing coordination with the Finance Department takes place for accountability purposes.

601.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for Department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and officers involved.

2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

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3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
   (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
   (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

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(j) Ensuring that the process of selling or adding forfeited property to the Department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).

(m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

601.7 DISPOSITION OF PROPERTY

No member of this Department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No Department officer involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the West Richland Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this Department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her Shift Sergeant. In the case of the Detective using an informant then approval must be received from the Administrative Sergeant. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this Department should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Chief of Police or the authorized designee

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602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated Department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by the Captain before being finalized with the informant.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Captain.

  (a) Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Department, and that they shall not represent themselves as such.

(d) The relationship between Department officers and informants shall always be ethical and professional.

  (a) Officers shall not become intimately involved with an informant.

  (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Captain.

  (c) Officers shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Captain.

  1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Officers who become aware that an informant may be unsuitable will notify his/her Shift Sergeant, who will initiate a review to determine suitability. Until a determination has been made by the Shift Sergeant, the informant should not be used by any officer. The Captain shall determine whether the informant should be used by the Department

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and, if so, what conditions will be placed on his/her participation or any information the informant provides. The Captain shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of Department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Department offices. The Captain or an authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Captain, or their authorized designees.

The Captain should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Captain is replaced, the files will be audited before the new member takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

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(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

602.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Administrative Sergeant will discuss the above factors with the Captain and recommend the type and level of payment subject to approval by the Chief of Police.

602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Investigations buy/expense fund.

(a) The Administrative Sergeant shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.

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2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the Mayor are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

602.6.3 AUDIT OF PAYMENTS

The Administrative Sergeant or authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when officers of the West Richland Police Department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Administrative Sergeant shall be responsible for the development and maintenance of an eyewitness identification process for use by officers when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

603.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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603.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the officer presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the officer presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The officer presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

603.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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(d) When feasible, officers should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

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Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the West Richland Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with his/her Shift Sergeant and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with his/her Shift Sergeant.

A shift Sergeant who is uncertain about whether evidence or facts are material should address the issue with the Captain for direction.

604.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this Department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the

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member to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or Department counsel should be requested to file a motion in order to initiate an in camera review by the court.

1. If no motion is filed, the Captain or authorized designee should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Records Manager shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Records Manager should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all members who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

604.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

604.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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Sexual Assault Investigations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Support, Advocacy, & Resorce Center (SARC) A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

605.2 POLICY

It is the policy of the West Richland Police Department that its officers, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

605.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SARC or other multidisciplinary investigative teams as applicable.

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605.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

605.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SARC should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

605.5.1 VICTIM PERSONAL REPRESENTATIVE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

605.5.2 POLYGRAPH EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

605.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SARC member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

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Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

605.6.1 COLLECTION AND TESTING REQUIREMENTS
Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 70.125.090):

(a) A related report or complaint is received by the Department alleging a sexual assault or other crime has occurred and the victim has consented to the submission.

(b) The victim is an unemancipated person 17 years or age or younger.

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

605.6.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM
Officers investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

605.6.3 DNA TEST RESULTS
Officers investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SARC member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Officers investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

605.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Administrative Sergeant.

Classification of a sexual assault case as unfounded requires the Administrative Sergeant to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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605.8 CASE REVIEW

The Administrative Sergeant should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SARC and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

605.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Administrative Sergeant should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

605.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Officers who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

(a) Interviewing sexual assault victims

(b) SARC.

(c) Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

(d) The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.

(e) Techniques for communicating with victims to minimize trauma.

(f) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

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(g) Serial crimes investigations.

(h) Medical and legal aspects of sexual assault investigations.

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Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of the West Richland Police Department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by officers.

606.2 POLICY

It is the policy of the Department to balance the safety needs of the public, the safety of Department officers, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 CAPTAIN RESPONSIBILITIES

The Captain shall review all risk assessment forms with the Shift Sergeant to determine the risk level of the warrant service

The Captain will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Officers should receive authorization from the Shift Sergeant before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate Shift Sergeant and the Captain for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the Shift Sergeant and the Captain for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Captain. If the warrant is not classified as high risk, the Shift Sergeant should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The operations supervisor or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The officer responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

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(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policies).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The Shift Sergeant shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Captain will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within the jurisdiction of this Department should be referred to the Captain. The Captain should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Captain should ensure that members of the Department are utilized appropriately. Any concerns regarding the requested use of Department officers should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Captain is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside the Departments jurisdiction, the Captain should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Department when assisting outside agencies or serving a warrant outside Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.12 TRAINING

The Training Officer should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the West Richland Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of officers and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 CAPTAIN RESPONSIBILITY

The Captain will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Captain will review risk assessment forms with involved officers to determine whether a particular incident qualifies as a high-risk operation. The Captain will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to the Shift Sergeant and the Captain.

The Shift Sergeant and Captain shall confer and determine the level of risk. The Shift Sergeant should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

The Captain, after consultation with the Shift Sergeant, determines that the operation is high risk, the Captain should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

  (a) SWAT team

  (b) Additional personnel

  (c) Outside agency assistance

  (d) Special equipment

  (e) Medical personnel

  (f) Persons trained in negotiation

  (g) Additional surveillance

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(h) Canines

(i) Property and Evidence or analytical personnel to assist with cataloguing seizures

(j) Forensic specialists

(k) Specialized mapping for larger or complex locations

(b) Contact the appropriate Department officers or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the Shift Sergeant will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The Captain should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The Captain shall ensure that all participants are visually identifiable as law enforcement officers.

    (a) Exceptions may be made by the Captain for officers who are conducting surveillance or working under cover. However, those officers exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

    (a) It is the responsibility of the Captain to ensure that SECOMM is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

    (b) If the radio channel needs to be monitored by SECOMM, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

    (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 SWAT PARTICIPATION

If the Captain determines that SWAT participation is appropriate, he/she will activate the SWAT team. The West Richland SWAT team Incident Commander shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the WRPD SWAT team Incident Commander should transfer control of the scene to the Shift Sergeant when necessary. This transfer should be communicated to the officers present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT team debriefing.

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607.11 TRAINING

The Training Officer should ensure officers who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

West Richland Police Department members and volunteers are expected to properly care for Department property assigned or entrusted to them. Members 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

Members and volunteers shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. A member's or volunteer'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) Members and volunteers shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to his/her 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 approval by the Captain.

(e) In the event that any Department property becomes damaged or unserviceable, no Member or volunteer shall attempt to repair the property without prior approval of the Captain.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be documented on the proper form as soon a circumstance permit. This form is submitted to the member's or volunteer's immediate supervisor for review. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the Captain, which shall include the results of his/her investigation and whether the member or volunteer followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by the Captain and a finding that no misconduct or negligence was involved, repair or replacement may be approved by the Chief of Police who will then forward the claim to the City Finance Department.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER PERSON
Officers intentionally or unintentionally may cause damage to the real or personal property of another person while performing their duties. Any officer who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall provide a verbal report to the Shift Sergeant as soon as circumstances permit. A written report shall be submitted before the officer goes off duty or within the timeframe directed by the Shift Sergeant. The written report shall be promptly forwarded to the Captain.

700.4.1 DAMAGE TO CITY PROPERTY BY PERSONNEL OF ANOTHER JURISDICTION
If personnel of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the Department officer present or the officer responsible for the property to make a verbal report to the Shift Sergeant as soon as circumstances permit. The officer shall submit a written report before going off duty or as otherwise directed by the Shift Sergeant. The written report, accompanied by the Shift Sergeant's written report, shall promptly be forwarded to the appropriate Captain.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the West Richland Police Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD's) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Department allows members to utilize Department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from the Captain.

701.3 PRIVACY POLICY

Members shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any Department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the member might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on Department-issued or personally owned PCDs that have been used to conduct Department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of member misconduct and, as practicable, will be done in the presence of the

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affected member. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member'sassignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) Members shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(g) Members are required to disclose all work related content from their personal cell phones when requested for public records request and then sign an affidavit stating everything work related on their PCD was provided in accordance with state law.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-

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related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct Department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official Department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official Department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify his/her supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact a member who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on duty as such contact may be compensable.

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701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Members are responsible for assisting in maintaining West Richland Police Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Any patrol vehicle operability issues should be brought to the attention of the Shift Sergeant who will advise the Captain as soon as practical. Operability issues related to the other Department vehicles should be brought to the attention of the Captain as soon as practical.

702.2.1 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from any policevehicle and properly secured in the Department armory or other safe storage prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties. The equipment requirement is not applicable to any vehicle that is designated for routine use by Department volunteers.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle regularly to ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Personal Protective Equipment policy.

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares

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- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Personal Protective Equipment policy.

702.4 VEHICLE REFUELING

Absent emergency conditions or Shift Sergeant approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one quarter tank.

Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one patrol vehicle should be at the car wash at the same time unless otherwise approved by the Shift Sergeant.

Members or volunteers 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 material.

702.6 USE OF PATROL VEHICLES BY NON-COMMISSIONED PERSONNEL OR VOLUNTEER

Non-commissioned personnel or volunteers operating patrol vehicles shall ensure all weapons are removed from vehicles before going use. "Out of service” placards or light-bar covers shall be prominently displayed at all times during use. Vehicle emergency lights or siren shall not be operated unless expressly authorized by the Captain or designee.

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Personal Protective Equipment

703.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the West Richland Police Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

703.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

703.2 POLICY

The Department endeavors to protect officers by supplying certain PPE as provided in this policy.

703.3 OFFICER RESPONSIBILITIES

Officers are required to use PPE as provided in this policy and pursuant to their training.

Officers are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Accident, Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

703.4 HEARING PROTECTION

Approved hearing protection shall be used by officers during firearms training.

Hearing protection shall meet or exceed the requirements provided in WAC 296-817-200.

703.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by officers during firearms training. Eye protection for officers who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Officers shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

703.6 HEAD AND BODY PROTECTION

Officers who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

703.7 RESPIRATORY PROTECTION

The Captain is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (WAC 296-842-12005):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and Washington State PPE standards and guidelines.

703.7.1 RESPIRATORY PROTECTION USE

Designated officers may be issued respiratory PPE based on the officer's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring officers using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when an officer'sdegree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the officer to leave the respirator use area when the scene commander reasonably believes (WAC 296-842-18010):

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(a) It is necessary for the officer to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The officer detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The officer needs to replace the respirator, filter, cartridge or canister.

(d) The officer needs to readjust his/her respirator.

(e) The officer becomes ill.

(f) The officer experiences sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever or chills.

703.7.2 OFFICER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Officers shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Officers exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Officers using respiratory PPE shall (WAC 296-842-18005):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Officers also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per Department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

703.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Officers must identify and use the correct cartridge based on the circumstances.

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Officers shall ensure their gas mask filters are replaced whenever:

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(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

703.7.4 SELF-CONTAINED BREATHING APPARATUS
Scene commanders may direct officers to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

703.7.5 RESPIRATOR FIT TESTING
No officer shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (WAC 296-842-15005).

After initial testing, fit testing for respiratory PPE shall be repeated (WAC 296-842-15005):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

(d) Whenever there is an indication that the respirator fit is unacceptable.

All respirator fit testing shall be conducted in negative-pressure mode.

703.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No officer shall be issued respiratory protection that forms a complete seal around the face until (WAC 296-842-14005; WAC 296-842-22005):

(a) The officer has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The officer has completed any physical examination recommended by the reviewing physician or other licensed health care professional.

703.8 RECORDS
The Training Officer is responsible for maintaining records of all:

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(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

(e) These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule and WAC 296-842-12010.

703.9 TRAINING

Officers should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All officers shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (WAC 296-800-16025).

Officers issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (WAC 296-842-16005).

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Chapter 8 - Support Services

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Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

800.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the West Richland Police Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Found Property - Includes property found by a member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

800.3 PROPERTY HANDLING

Any officer who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The officer/member will complete a report in the RMS that the property was returned to the owner and document the owner’s information.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the officer going off-duty. Officers booking property shall observe the following guidelines:

(a) Property will only be processed in the area designated for this purpose, or an area properly prepared to prevent contamination of the work space. Computer work stations will not be used for processing of property / evidence. The responsible officer will insure the processing area is properly cleaned and disinfected immediately after the processing has been completed.

(b) Enter each item of property into the Department records management system property module separately, listing all serial numbers, owner’s name, finder's name, and other identifying information or markings.

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(c) Bag or box each item and seal with evidence tape, and write the case number. Write across the tape and bag the booking officer's initials and the date, booked. Examples of proper marking and packaging of items is available in the processing area.

(d) Print the evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) When the property is too large to be placed in a locker, the item may be secured in the large evidence conex. The booking officer will use the key from the key control board to secure the large evidence in the conex and place the key into evidence locker 5. The booking officer will send a notification by email to the Property Custodian, advising him/her about the item in the evidence conex.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. All narcotics will be weighed as a total package including evidence packaging material. The total weight will be written on the exterior of the package and entered into the propery / evidence module of the Department records management system.

800.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the Shift Sergeant. The Richland Police Department Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe, road flares or similar signaling devices may be booked into property. The Property Custodian is responsible for coordinating transport to the appropriate entity for proper disposal all fireworks or signaling devices, ammunition or similar items that are not retained as evidence. Disposal of these items will occur on a regular basis and the retention time will be kept to the lawful minimum.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) DUI blood draw samples will be processed into evidence.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. Officers will process the bicycle, bicycle frame, scooter or motorized scooter into evidence and then store the item in the secure fenced storage area. The item will be marked with one evidence tag and a second tag will be printed and dropped in the mail slot locker for the Property Custodian.

(d) All cash shall be counted and placed in a money evidence bag. The envelope shall be initialed by the booking officer and a witness officer. If a witness officer is not available the booking officer will contact the Shift Sergeant for direction. The Shift Sergeant shall be contacted for cash in excess of $1,000 for special handling procedures.

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City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. Prior to notice of forfeiture being served prior approval and authorization is required from the Chief of Police or designee. It shall be the responsibility of the assigned officer, detective or the Property Custodian to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture policy.

800.3.6 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of Weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

(a) Record the individual's name, address, and telephone number.

(b) Record the firearm's serial number.

(c) Record the date that the firearm was accepted for storage.

(d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

    (a) If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Manager for timely filing with the court (RCW 7.94.090).

(e) Securely store the firearm.

800.3.7 FOUND PROPERTY

Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs.

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(b) Firearms (ensure they are unloaded and booked separately from ammunition).

(c) Property with more than one known owner.

(d) Fireworks.

(e) Contraband.

800.4.1 PACKAGING CONTAINER

All property shall be packaged in a suitable container available for its size. Knife boxes should be used to package knives. Firearms held for evidence purposes will be boxed using evidence boxes. Firearms held for safekeeping will be received as the basic firearm without accessory and stored in the firearm rack. All firearms will be made non-functional by use of zip ties through the action; Sharps under normal circumstances will not be retained as evidence. These items will be disposed of using an approved Sharps container. If it becomes necessary to retain a syringe, due to an unusual circumstance of criminal nature, then an approved syringe package will be used or the Property Custodian will be consulted.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the locker.

Narcotics and dangerous drugs shall be packaged in an Department approved evidence baggie of appropriate size available in the designated processing room. The booking officer shall initial the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded either electronically in the Department records management system property module or noted in supplementary report by the officer.

Members handling these items shall always wear gloves and appropriate PPE when feasible.

800.5 RECORDING OF PROPERTY

The Property Custodian receiving custody of evidence or property shall enter the receipt of the property into the Department records management system.

Any changes in the location of property held by the Department shall be noted in the Department records management system.

800.6 PROPERTY CONTROL

Each time the Property Custodian receives property or releases property to another person, he/she shall enter this information into the Department records management system. Officers desiring property for court shall contact the Property Custodian at least one week prior to the court day.

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800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the Department records management system shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from the Property Custodian.

Request for analysis for items shall be completed on the appropriate forms and submitted to the Property Custodian. This request may be filled out any time after booking of the property or evidence. It is the investigating officer's responsibility to complete lab requests in a timely manner.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

.The Property Custodian releasing the evidence must complete the required information in the Department records management system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the Property Custodian will record the delivery time, and indicate the person to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Property Custodian for filing with the case. If the evidence is mailed (through the U.S. Postal Service, Federal Express, or United Parcel Service), the Property Custodian shall record the date and time the item was prepared for mailing, as well as the tracking number, o the original lab request forma and make a copy. The original form will be sent with the evidence. The Property Custodian will file the copy with the case file and update property module of the Department records management system

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be entered into the Department records management system.

The return of the property should be recorded on in the Department records management system by the Property Custodian, indicating date, time, and the person who returned the property. In the event the Property Custodian officer is not available to place the item back into the evidence room, the property will be placed in a evidence locker and the Property Custodian officer will be notified in person, if available, or by email with the date and time entered.

800.6.4 AUTHORITY TO RELEASE PROPERTY

When Property Custodian receives notice from City or Benton County Prosecutor or checks the Judicial Information Sytem for a disposition with no appeal, the Property Custodian shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department in accordance with Federal, State and local laws.

800.6.5 RELEASE OF PROPERTY

The Department shall make every effort to return personal property that is in the possession of this Department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the Property Custodian shall make a reasonable attempt to identify the lawful owner and provide written notice via Certified Mail.The Property Custodian may request

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through the Shift Sergeant that an officer provide in person notification to property owners if that method of notification appears to be most prudent.

If the property remains unclaimed beyond 60 days after the initial written notice to the property owner, or, in the case of property held as evidence, 60 days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

(a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).

(b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).

(c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:

1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and
3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The Property Custodian shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form.. Upon release, the proper entry shall be documented in the Department records management system. Release of property by officers in the field is authorized when no apparent need to retain the property exists and proper written documentation / signature is received.

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800.6.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

800.6.7 CONTROL OF NARCOTICS, DANGEROUS DRUGS, MONEY, JEWELRY, AND FIREARMS
Narcotics, dangerous drugs, money, jewelry, and firearms will be segregated as much as practical within the internal, secured property evidence storage room. Additional locked storage containers will be used for controlled substances.

800.6.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT
No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this Department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this Department or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator.

800.7 DISPOSITION OF PROPERTY
All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Custodian should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received. (RCW 63.32.010; RCW 63.40.010).

800.7.1 BIOLOGICAL EVIDENCE
The Property Custodian shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Captain

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should

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inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Captain.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Captain should be consulted prior to disposal.

800.7.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the Property Custodian shall ensure confirmation of the following (RCW 9.41.345):

(a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.

(b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.

(c) The firearm is not required to be held in custody or prohibited from release.

(d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.

(e) Notification is made to those family or household members who have requested notification pursuant to established Department protocol (RCW 9.41.340).

1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the Property Custodian shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon RCW 9.41.801.

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

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If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

800.7.3 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS
If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.94.100):

(a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.

(b) Confirming with the court that the extreme risk protection order is no longer in effect.

(c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

800.7.4 SEXUAL ASSAULT KITS
Untested and unreported sexual assault kits shall not be disposed of or destroyed and shall be retained by the Department or transferred to the Washington State Patrol as required by Chapter 93 § 8, 2019 Laws.

800.7.5 RELEASE OF FIREARMS AFTER EMERGENCY DETENTION
Firearms surrendered pursuant to RCW 71.05.182 (surrender of firearms after emergency detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).

800.8 INSPECTIONS OF THE EVIDENCE STORAGE AREAS

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage areas/facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by the Captain or authorized designee.

(d) Whenever a change is made in personnel who have access to the evidence storage areas, an inventory of all evidence shall be made by a member designated by the Captain to ensure that records are correct and all evidence is properly accounted for.

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800.8.1 PROPERTY AND EVIDENCE SECURITY

Access to the Department Property evidence storage area is restricted to authorized Department personnel only. It shall be the responsibility of the Property Custodian to control all access to the areas containing property and evidence.

The Property Custodian shall maintain a log of all persons entering the property and evidence secured areas. The entry log will contain name of person entering, date, time, and purpose for entry.

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Records

801.1 PURPOSE AND SCOPE

The Records Manager shall maintain the West Richland Police Department Records Department Procedures Manual on a current basis to reflect the procedures being followed within the Records Department. Policies and procedures that apply to all members of this Department are contained in this policy.

801.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Department by Records Department 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 15-00001 would be the first new case beginning January 1, 2015.

801.1.2 <DIV>UNIFORM CRIME REPORTING</DIV>

The Department participates in the 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 the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

801.1 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Department accessible only to authorized Records Department personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

West Richland Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

801.1.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Department. Should an original report be needed for any reason, the requesting member shall first obtain authorization from the Records Manager. All original reports removed from the Records Department shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Department.

801.1.2 RECORDS CONCERNING JUVENILES

The Records Manager shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

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- Upon receiving notification from the juvenile court that specific records should be destroyed.
- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Manager shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

801.3 REQUISITION OF SUPPLIES

All members who are in need of general office supplies are able to obtain those basic supplies from stock maintained in the office area. The Records Department shall maintain accountability of supply inventory to insure adequate quantities are on hand. All members are expected to use supplies in a conservative and efficient manner and minimize waste. Department supplies and equipment are to only be used for Department and City related business. When additional equipment/supplies or items not typically stocked are needed for Department use the requesting member shall complete a written request and submit the request through the chain of command for approval.

Office supplies shall be managed through the Records Department. Individually assigned equipment shall be managed through the Captain's office or his/her designee. All serial numbered or sensitive equipment shall be tracked through the Department / City inventory system by the Records Manager.

801.4 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

801.4.1 ACCESS USE REQUIREMENTS

No member of the Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

801.4.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Department complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information

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- Providing 24-hour access to agency warrants

It is the responsibility of the Records Manager to ensure that all ACCESS computer and network security requirements are in place and operational.

801.5 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

(a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute that involves violence against law enforcement.

(b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.

(c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.

(d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat to the Shift Sergeant for possible 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 Department is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Department, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer’s supplemental report, mental health report or other similar documentation.

801.6 USE OF THE RECORDS MANAGEMENT SYSTEM

In order to ensure the security of the records management system data, software and hardware in addition to protecting the Department from liability issues that might arise from the operation and use of the records management system, the Department has adopted the following policies.

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801.6.1 DEPARTMENT RECORDS MANAGEMENT SYSTEM OF DATA
The Department shall safeguard, by appropriate means, the confidentiality of the information contained in the records management system. Additionally, the Department shall maintain network security that meets industry standards.

801.6.2 TRAINING MANAGEMENT ELECTRONIC FILES
In addition to records maintained by the Washington State Training Commission, Departmental training files will reflect completion of all training schools and programs. These records are maintained by the Records Department.

801.7 COURT ORDERS
The Records Department shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Department shall see that the order is removed from the applicable system (Chapter 230, 2017 Laws) RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

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Restoration of Firearm Serial Numbers

802.1 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 members who are involved in the restoration of serial numbers will observe the following guidelines.

802.2 PROCEDURE

Any firearm coming into the possession of the West Richland Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

802.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

802.2.2 PROPERTY BOOKING PROCEDURE

Any member taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property in accordance with the Property and Evidence policy . The member booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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802.2.3 OFFICER RESPONSIBILITY

The Property Custodian receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and shall maintain the chain of evidence.

802.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

802.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Custodian will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

802.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of West Richland Police Department records. Protected information is separately covered in the Protected Information policy.

803.2 POLICY

The Department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

803.3 PUBLIC RECORDS OFFICER

The Chief of Police shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of Department public records.

(b) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records.

1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).

(c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Department.

(d) Maintaining and updating the Department records retention schedule including:

(a) Identifying the minimum length of time the Department must keep records.

(b) Identifying the Department division responsible for the original record.

(e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department is available to the public (RCW 42.56.070).

(g) Establishing rules regarding the processing of subpoenas for the production of records.

(h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).

(i) Ensuring that the business hours for record inspection or copying are posted on the Department 's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

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(j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the Department website and appropriate Department publications (RCW 42.56.580).

803.4 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 Public Records Officer shall publish, maintain and make available to the public a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department (RCW 42.56.070(2)). The business hours for record inspection or copying shall be posted on the Department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

The Records Department 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):

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

  (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Department -approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):

  (a) Providing the record.

  (b) Providing the internet address and link of the Department website to the specific records requested. If the requester notifies the Department that access cannot be
  obtained through the internet, then copies of the record shall be provided or the requester may view the records on the Department computer.

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(c) Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:

(a) The need to clarify the intent of the request.

(b) The need to locate and assemble the information requested.

(c) Notification to third persons or agencies affected by the request.

(d) Determination whether any of the information requested is exempt.

(d) Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the Department need not respond. If only part of the request is unclear, the Department shall respond to those portions of the request that are clear.

(e) Deny the request.

803.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

(a) Providing the record.

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.

(c) Denying the public record request.

(d) Providing an Internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the Internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Public Records Officer will establish mechanisms for the most prompt possible review of decisions denying inspection.

Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.660).

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803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).

(c) Specific intelligence and specific investigative records regarding the discipline of a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).

(d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).

(e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).

(f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.

(g) Information revealing the specific details of the alleged assault, identity, or contact information of a child victim of sexual assault who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).

(h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).

(i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).

(j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.

(k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).

(l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

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(m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.

(n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).

(o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).

(p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)

(q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).

(r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).

(s) Investigative records compiled by the Department regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Department internal policies during an active and ongoing investigation (RCW 42.56.250).

1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.

(t) Any other information that may be appropriately denied by Washington law.

803.5.1 GENERAL CASE AND CRIME REPORTS

Examples of release restrictions include (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) **Victim and witness information** - Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints, if at the time a complaint is filed the complainant, victim or witness indicated a desire for disclosure or nondisclosure.

(c) **Sex offenses** - Investigative reports pertaining to sex offenses under 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).

(d) **License applications** - Copies of license applications, including concealed pistol license applications or information on the applications may only be released to law enforcement or corrections agencies under RCW 9.41.070.

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(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.

(f) **Personal information** - Personal information in files maintained for members, to the extent that disclosure would violate their right to privacy. This includes 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).

(g) **Alarm System Program/Vacation Crime Watch Program Participants** - Personal identifying information collected by the Department for participation in an alarm system program and/or vacation crime watch program.

803.5.2 ARREST REPORTS

Arrest reports shall not be disseminated pursuant to the Criminal Records Privacy Act 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 in accordance with the law.

803.5.3 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
- 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

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- 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.

803.5.4 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, driver license numbers, identicard 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 member:

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.

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 a member should be forwarded to the Captain and the affected member should be promptly advised of the request.

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3. A court may issue an injunction, at the request of the Department or the member, if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage the member or would substantially and irreparably damage vital government functions.

803.6 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) Drafts, Notes Recommendations, Memorandums: 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

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a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities and other information that may increase the risk to the confidentiality, integrity or availability of department security, information technology infrastructure or assets.
3. The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

803.6.1 PERSONAL IDENTIFYING INFORMATION

Members 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).

803.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum should be promptly provided to the Captain for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.8 SECURITY BREACHES

Members who become aware that any Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

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For the purposes of the notice requirement, personal information includes:

(a) An individual's first name or first initial and last name in combination with any one or more of the following:

1. Social Security number or the last four digits of the Social Security number
2. Driver license number or Washington identification card number
3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)

(b) Any of the data elements listed above without the individual's first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

803.9 TRAINING

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members and volunteers of the West Richland Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members and volunteers of the Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member and volunteer compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Department policy or training. Only those members and volunteers who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member or volunteer has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member or volunteer to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees or volunteers who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

804.4.2 RELEASE OF CRIMINAL HISTORY RECORD INFORMATION (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) Records Manager.

(b) Full-time members of the Records Department.

(c) Members specifically designated in writing by the Captain with the concurrence of the Chief of Police.

804.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

804.4.4 RECORDS SUITABLE FOR RELEASE

Conviction records and CHRI may be disseminated as set forth in RCW 10.97.050.

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804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Department to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information, which includes CHRI, should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other Department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

A member may review his/her criminal history record information held by this Department after complying with established Department requirements as authorized by RCW 10.97.080.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended

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table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

804.7 TRAINING

All members and volunteers authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

804.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Department and in the Investigations office to preclude access by unauthorized persons.

No member shall be authorized to operate computer terminal equipment with access to CHRI until that person has completed the appropriate training.

804.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each member shall be responsible for destroying the CHRI documents they receive.

804.8 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 the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

804.9 RELIGIOUS AFFILIATION DISCLOSURE

Members shall not release personal information from any Department database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

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Animal and Code Compliance

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for West Richland Police Department Animal and Code Compliance (ACCO) officers and other Department officers in dealing with animal control and code enforcement-related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal and residential code related nuisances.

805.2 ANIMAL AND CODE COMPLIANCE OFFICER RESPONSIBILITY

The ACCO shall be responsible for enforcing local and state laws relating to animals and residential code requirements.The ACCO will also appropriately resolve or refer animal and code problems as outlined in this policy. While on duty the ACCO shall be under the operational control of the Shift Sergeant. Administratively the ACCO reports to the Administrative Sergeant.

During hours when the ACCO is on duty, requests for animal or code enforcement l services shall be assigned by SECOMM or the Shift Sergeant.

805.3 OFFICER RESPONSIBILITY

During hours when the ACCO is off-duty, or if the ACCO is otherwise unavailable, The Shift Sergeant will coordinate the response to animal and code complaints.

Due to the hazards of handling animals without proper equipment, responding officers should use additional caution when attempting to capture and pick up any dangerous / potentially dangerous animal. Should the risk to public safety or other factors warrant an ACCO call-out, officers should keep the animal under observation until the arrival of the ACCO.

805.3.1 ANIMAL CRUELTY COMPLAINTS

Officers responding to an animal cruelty complaint shall conduct a preliminary investigation and forward the information to the ACCO for follow-up. Officers should take any immediate actions deemed necessary. The assistance of an ACCO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

805.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner, proof of current rabies vaccination obtained, and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the Department kennel, making sure the animal has food, water, and bedding.

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The animal pick-up form must be completely filled out and placed on the Records Department in box. Release of impounded dogs requires a fee be paid. Releases will be handled by the ACCO or, in his/her absence, by a patrol officer. The City administration will accept fees and issue receipts.

Impounded stray dogs and cats will be retained at the Department kennel for approximately 24 hours unless one of the following conditions occur:

(a) The animal is returned to the owner,

(b) The animal is sick or injured requiring veterinary care,

(c) The animal is temporarily transferred to an approved animal foster care provider.

After approximately 24 hours at the Department kennel, the ACCO will make arrangements for the impounded animal to be transferred to the City-contracted animal care facility.

Feral cats will be accepted by Animal Control Services only when captured in a West Richland Animal Control issued live trap. Animals (cats) captured in a personal trap will not be accepted. Citizens who wish to capture feral / stray cats must comply with neighborhood notification and other requirements prior to deploying a cat trap. All wild animals caught in traps will be released right away.

Once a dog has been taken into custody, all releases should be handled in accordance with the animal control procedures.

Animals recovered outside of the City of West Richland will not be received or impounded by this Department.

805.3.3 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to the ACCO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACCO. If the animal is a stray, then every effort should be made to capture and impound the animal immediately.

805.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACCO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers should also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACCO may be called to duty to handle.The Shift Sergeant should authorize call out of the ACCO.

805.3.5 DANGEROUS ANIMALS

The ACCO is the primary responder to dangerous dog or other animal complaints. Officers should assist the ACCO whenever possible to the unique challenges of handling dangerous

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and aggressive dogs or other animals. If the ACCO is not available officers shall take action to safeguard the public and contain or capture the dangerous / potentially dangerous dogs or animals. When able, an officer should capture a dangerous, potentially dangerous dog or other animal and transport to the Department kennel. Destruction of any animal should be considered the last resort and carried out only to safeguard officers and members of the public or due to serious injury to the animal.

805.4 DECEASED ANIMALS

In the event of deceased animals on public property, the City Public Works Department will be contacted for removal. Deceased animals causing a road hazard should be moved, as practical. so as to reduce the hazard. If the owner of the animal can be identified that person should be advised of the final disposition of the animal.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACCO truck or city vehicle. Large animals should be double bagged. Animal remains should be placed in the Animal Control freezer tagged with identifying information to assist in re-unification with the owners.

(b) Neither the ACCO nor any patrol officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

(c) Deceased domestic animals on private property will not be received by Animal Control Services under normal circumstances.

(d) Officers will transport the deceased animal to the animal control freezer where the animal will be stored until recovery by owner or disposal.

(e) All deceased domestic animals will be bagged and tagged with identifying information including; date and location recovered, description, case number etc.

(f) All deceased domestic animals will be scanned for ID chips.

(g) Whenever possible, the owner of any animal brought into the custody of West Richland Police / Animal Control will be notified of the animals location.

805.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this Department, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, but at large within the community it may be impounded at the Department kennels. Large animals such as Equine (horses) and Bovine (cows) are generally not impounded by West Richland Animal Control Services unless a danger to public safety. Large animal issues will be addressed on a case by case basis and outside rescue resources will be solicited. .

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the Department authorized veterinary emergency clinic.

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(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When the need to kill a seriously injured or dangerous animal is necessary, the Department Firearms Policy shall be followed. Destruction of an animal shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210).

(d) Injured wildlife should be referred to the Washington Department of Fish and Wildlife. Individuals properly licensed by the State of Washington and the City may trap nuisance animals within the City limits. Discharge of firearms for nuisance animal control is not authorized unless specifically approved by the City Council by resolution (WRMC 9.16.020).

(e) When handling dead or injured animals Department officers shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented in writing in accordance with Department procedures and include, at minimum, the name and contact information of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACCO is off duty, the information will be forwarded to him/her for follow-up.

805.6 CITATIONS

It should be at the discretion of the ACCO or the responding officer as to the need for, or advisability of, the issuance of a citation for a violation. The ACCO or officer shall consider the following factors when deciding to issue a citation/NOI or verbal warning: seriousness of the offense, potential risk to public safety, welfare of the animal(s) involved and prior violations or warnings. In cases of injury caused by an animal in violation of West Richland Municipal Code strict enforcement should be applied.

805.7 POST-ARREST ANIMAL CARE

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified. Animals will not be left in a vehicle unattended when the owner/responsible party has been placed under arrest and / or is transported away from the vehicle for medical reasons. The animal should be either transported to impound or turned over to another party with the owners consent.

The ACCO is not authorized to make custodial arrests in the performance of their duties. A regular or reserve police officer may make custodial arrests or detain subjects pursuant to Washington State and Federal laws of arrest, search and seizure.

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805.8 DANGEROUS ANIMALS

In the event responding officers cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

805.10 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanized a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210).

805.11 RESIDENTIAL CODE COMPLAINTS/VIOLATIONS

Residential code enforcement objectives is to enforce the City of West Richland ordinances related to code violations in an effective, fair and consistent manner. The City of West Richland ordinances and codes shall be upheld so as to protect the residents, property owners and businesses health, safety and wellbeing

805.12 RESIDENTIAL CODE ENFORCEMENT PROCEDURES

The City has the right and ability to publish a notice in a general circulation newspaper during the month of March stating that noxious weeds and vegetation that is not maintained, by property owner, during the growing season, April 15th through October 15th, maybe cut by the City, starting on May 1st and the owner of the property shall be billed for the cost.

1) All code violation complaints can be received in writing and signed by the complainant, via online reporting tools, verbal complaint or through pro-active enforcement.

2) When a Code or Ordinance violation complaint is reported through e-gov, a complaint form, or observed by a city employee, the Animal and Code Compliance Officer shall attempt to verbally resolve the issue with the alleged offender. If no one is available to communicate the concern, a second attempt to contact the alleged offender should be attempted. The verbal resolution can consist of any non-formal enforcement method.

3) If a verbal compliance cannot be reached and the issue remains unresolved, a Code Enforcement door hanger will be left detailing the infractions(s) along with the guidelines for compliance. A written Notice of Violation via First Class Certified Mail shall then be sent in the case other non-formal methods have been ineffective. The notice should identify the nature of the violation and define the time provided to correct the violation. This correction notice shall only be sent if the ACCO has confirmed the violation in question. The Notice of Violation will allow a fourteen (14) day period for remediation of the violation. Less time can be considered depending

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upon the severity of the noncompliance issue, the specific ordinance or if compliance should occur sooner if there is a threat to the public's health, safety or well-being.

4) If the violation has not been corrected within the specified time, the ACCO may issue a infraction/citation at their discretion.

5) In an appropriate case (such as where there have been repeated violations, or where it appears that the notice is unlikely to serve a reasonable purpose, or where notice is otherwise inappropriate) a infractions/citation may be issued by the ACCO immediately upon discovery of the violation.

6) All Code Enforcement complaints shall be forwarded to the ACCO for review/action. If the ACCO is off duty upon a receipt of a complaint that requires immediate action the Sergeant or OIC can authorize the ACCO to be called in to handle the complaint

805.13 ACCO CODE ENFORCEMENT DUTIES RESPONSIBILITIES

The Animal and Code Compliance Officer (ACCO) is an officer of limited authority. The ACCO is responsible for working independently in the enforcement of local ordinances (titles 6, 8, 10, 12, 17 & 19) and applicable state laws in accord with the City and Police Department polices. The ACCO will have the authority to issue Notices of Infraction and criminal citations for non-felony violations. The ACCO is not authorized to make custodial arrests nor is the ACCO authorized to make custodial detentions. Duties include but not limited to are:

1) Conducts code enforcement activities to monitor nuisance code and compliance in the areas of weeds, junk, uninhabitable or dangerous structures, inoperable and/or unlicensed vehicles, vehicle parking violations and other code enforcement activities, in coordination with the city and community development staff.

2) Plans, initiates, coordinates and enforces nuisance codes on private and/or public property.

3) Documents and obtains evidence, maintains inspection records and prepares reports concerning violations in accordance with city and police department policy and for use by administrative or judicial authorities.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the West Richland Police Department or other facility, (i.e. jail, hospital). Such items can pose a serious risk to the safety and security of Department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Body cavity search - A search that includes the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity. Body cavity means the stomach or rectum of a person, and the vagina of a female prisoner (RCW 10.79.070).

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit an inspection of the under garments, breasts of a female prisoner, buttocks, anus or genitals (RCW 10.79.070). This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any Department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the West Richland Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Officers shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released, transferred or property is disposed in accordance with applicable law.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description. The inventory should include the case number, date, time, Officer's Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received if the situation allows. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Department officer sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the officer making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at a Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence that does not constitute a threat to the facility (RCW 10.79.130).

Before any strip search is conducted, reasonable efforts must be made to use less-intrusive means, such as pat-down, electronic metal detector, or clothing searches, to determine whether

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a weapon, criminal evidence, contraband, or other things is concealed on the body, or whether a health condition requiring immediate medical attention is present (RCW 10.79.140(2)).

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on Department officers, escape attempts).

(d) The individual's actions or demeanor during or after arrest.

(e) Criminal history (i.e., level of experience in a custody setting).

(f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at West Richland Police Department facilities shall be conducted as follows:

(a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115; RCW 10.79.100).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

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3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the person who was searched.
5. The name and sex of the persons who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner's authorized representative.

(h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while that person is showering, performing bodily functions or changing clothes unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner's consent and/or otherwise protect the prisoner's privacy and dignity.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a qualified physician, registered nurse or physician’s assistant may conduct a physical body cavity search (RCW 10.79.100).

(c) Except for the qualified physician, registered nurse or physician’s assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (RCW 10.79.080):

1. The facts that led to the decision to perform a physical body cavity search of the individual.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.
5. The time, date, location, and description of the search.
6. The medical personnel present.
7. The names, sex, and roles of any department members present.
8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

(g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Department (RCW 10.79.080).

(h) The Shift Sergeant may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

900.7 CONDUCTING PHYSICAL BODY CAVITY SEARCHES

Body cavity searches shall be conducted as follows (RCW 10.79.100):

(a) The search must be performed under sanitary conditions.

(b) The search must be conducted by a physician, registered nurse or physician's assistant.

(c) Privacy will be afforded to the person. This includes while the person is dressing and undressing. Anyone not physically conducting or assisting shall be excluded from observing the search, except as necessary to ensure the safety of the people involved in the search.

(d) The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (b) and (c) above.

900.8 DOCUMENTATION OF A BODY CAVITY SEARCH

The officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW 10.79.080(4)):

(a) A copy of the written authorization required under Policy Manual § 900.6(b).

(b) A copy of the warrant and any supporting documents.

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(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.

900.9 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).

900.10 TRAINING

The Training Officer shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.

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Biological Samples

901.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples for the DNA data bank as mandated in the DNA Identification System (RCW 43.43.753).

901.2 PERSONS SUBJECT TO DNA COLLECTION

Every person convicted of, or adjudicated guilty of the equivalent juvenile offense of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, must have a biological sample collected for purposes of DNA identification analysis.

This department is only responsible to obtain samples from persons convicted of the listed offenses or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in this department's jail facility, for convictions on or after July 1, 2002 (RCW 43.43.754(1)).

901.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement persons required to provide DNA samples shall be processed for the necessary samples

901.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

(a) An offender convicted of any felony offense.

(b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).

(c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).

(d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).

(e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).

(f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).

(g) An offender convicted of harassment (RCW 9A.46.020).

(h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).

(i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).

(j) An offender convicted of stalking (RCW 9A.46.110).

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(k) An offender who violates a sexual assault protection order granted under RCW 7.90.005 et seq.

(l) An offender convicted of indecent exposure (RCW 9A.88.010).

901.3.1 BLOOD SAMPLES
Health care providers trained and qualified to draw blood are the only persons authorized to perform the withdrawal of blood in a medically approved manner.

901.3.2 BUCCAL SWABS
Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs. If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

901.3.3 FULL PALM PRINTS
Full palm print impressions shall be obtained on appropriate forms along with all DNA samples.

901.3.4 USE OF FORCE TO OBTAIN SAMPLES
If, after a written or oral request, an individual required to provide samples refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force necessary and consistent with constitutional and legal requirements to compel them to submit to collection of the required sample (RCW 43.43.750).

Use of force to obtain such sample(s) should occur only under the following conditions

(a) Prior to the use of reasonable force, the officers shall take and document reasonable steps to secure voluntary compliance.

(b) Prior to the use of reasonable force, the Officers shall obtain authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.

For the purpose of this section, the “use of reasonable force” shall be defined as the force that an objective, trained, and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

901.3.5 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES
The Department may submit biological samples to the forensic laboratory services of the Washington State Patrol of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754(1)).

901.4 PROCEDURE
When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

901.4.1 COLLECTION
The following steps should be taken to collect a sample:

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(a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington State criminal history records. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).

(c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

901.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

(a) The individual's parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the individual's next court appearance.

(d) The individual's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

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Temporary Custody of Adults

902.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the West Richland Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the West Richland Police Department prior to being released or transported to a housing or other type of facility.

902.2 POLICY

The West Richland Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

902.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

902.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the West Richland Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Emergent Detentions Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Any individual who has exhibited extremely violent or continuously violent behavior.

(g) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(h) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

902.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

902.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

902.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual

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may be suicidal, he/she shall be transported to the appropriate jail or the appropriate mental health facility.

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

902.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
   (a) Continuous, direct sight and sound supervision.
   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

902.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

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Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

902.4.3 NOTICE TO INDIVIDUALS

To ensure compliance with treaty obligations, including consular notification, and state and federal law, written notice shall be given to an individual being detained explaining that the individual has the right to refuse to disclose their nationality, citizenship, or immigration status and that disclosure may result in civil or criminal immigration enforcement, including removal from the United States (RCW 10.93.160).

902.5 SAFETY, HEALTH AND OTHER PROVISIONS

902.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the West Richland Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

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(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the West Richland Police Department.

The Shift Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

902.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

902.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access

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to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the West Richland Police Department. They should be released or transferred to another facility as appropriate.

902.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

902.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

902.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

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Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

902.5.7 FIREARMS AND OTHER SECURITY MEASURES
Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

902.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the West Richland Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

902.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

902.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Sergeant shall attempt to prove or disprove the claim.

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902.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

902.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the West Richland Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Sergeant, Chief of Police and Investigation Captain.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Coroner.

(g) Evidence preservation.

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902.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the West Richland Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

902.10.1 TRANSFER TO HOSPITAL

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting officer shall remain with, or secure, the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

(a) The medical care provider determines the individual does not need to be accompanied or secured.

(b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:

1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.

2. There is no longer sufficient evidentiary basis to maintain the individual in custody.

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3. In the interest of public safety, his/her presence is urgently required at another location and supervisor approval is obtained.
   (a) The officer shall make a reasonable effort to ensure a replacement officer is provided or other means of securing the individual is provided as soon as possible.

902.11 ASSIGNED ADMINISTRATOR

The Captain will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire and life-safety

(h) Disaster plans

(i) Building and safety code compliance

902.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 POLICY

In accordance with applicable federal, state, and local law, the West Richland Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2 RECRUITMENT

The Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Consideration of shared or collaborative regional testing processes.

The Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process. The Department will work with the West Richland Civil Service Commission to maintain an up to date list of eligible candidates. Entry level and lateral entry hiring lists are authorized under Civil Service Rules.

1000.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

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(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.3.1 VETERAN PREFERENCE
The Department will provide veteran preference percentages as requied (RCW 41.04.010).

1000.4 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.4.1 STANDARDS FOR OFFICERS
Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) (RCW 43.101.095):

(a) Be eligible for WSCJTC certification

(b) Submit to a psychological evaluation

(c) Submit to a polygraph examination

(d) Submit to a criminal history check

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(e) Not been convicted of a felony offense

1000.5 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.6 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the West Richland Police Department and that are promulgated and maintained by the Department of Human Resources. The goal of the agency is to identify and hire the most qualified individual displaying the character and aptitude necessary to bea Police Officer and who is committed to service in this community.

1000.7 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the West Richland Police Department (RCW 43.101.095).

1000.7.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

1000.7.2 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is

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prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

1000.7.3 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.8 PROBATIONARY PERIODS

Probation periods will be set according to the WRPOA Collective Bargaining Agreement.

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Reporting of Employee Convictions

1001.1 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.

1001.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1001.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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Drug- and Alcohol-Free Workplace

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1002.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1002.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060(6)).

1002.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1002.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1002.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member shall be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1002.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties. Post OIS SIU protocols shall be observed.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

(d) The Chief of Police shall be notified as soon as practical when tests are being sought.

1002.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

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(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1002.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1002.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1002.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1003.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50.04.010 et seq.).

1003.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon determining that sick leave will be needed, employees shall notify immediate supervisor or on duty supervisor who will complete and submit a leave request describing the type of leave used and the specific amount of time taken. Anticipated sick leave , such as doctors appointments and / or procedures should be scheduled for off duty time whenever possible. This will reduced impact on co-workers and service capabilities.

1003.2.1 NOTIFICATION

Employees are encouraged to notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact their assigned supervisor or in the case of an emergency, the on-duty supervisor of officer in charge should be contacted by the employee or to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

Upon return to work, members are responsible for enuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1003.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (WAC 296-128-750).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1003.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return. 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 use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

1003.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) When appropriate, counseling members regarding inappropriate use of sick leave.

(d) Referring eligible members to an available employee assistance program when appropriate.

1003.6 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

1003.7 PERSONNEL AGENCY

The Personnel Manager shall ensure:

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(a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.

(b) This Sick Leave Policy is readily available to all employees.

(c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

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Communicable Diseases

1004.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1004.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the West Richland Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1004.2 POLICY

The West Richland Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1004.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823.100 et seq.):

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):

(a) The identification of positions with the potential for exposure.

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(b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.

(c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.

(d) Directions for appropriate labeling of contaminated items.

(e) Rules regarding worksite maintenance.

(f) Rules regarding waste.

(g) Confidentiality requirements and medical protocols.

(h) Maintenance of training and medical records.

2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).

3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

1004.4 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1004.5 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1005.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in West Richland Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1005.2 POLICY

The West Richland Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

1005.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members should be done out of view of the public while representing the West Richland Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1005.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

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Personnel Complaints

1006.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the West Richland Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1006.2 POLICY

The West Richland Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1006.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1006.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

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1006.3.2 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Captain, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Captain, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1006.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1006.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1006.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1006.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. Supervisors shall complete the complaint form as soon as practical and submit the completed form to the Captain for review. The Captain will determine if the complaint should remain with the original supervisor or be reassigned. If the circumstances indicate the complaint will immediately necessitate an Internal Investigation then the Chief of Police will be notified. The Captain may initiate an inquiry to determine further information which may provide clarity for the report to the Chief of Police who will make final determination regarding an Internal Affairs Investigation.

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The Chief of Police or designee shall maintain a file of all complaints, inquiries and internal affairs investiations. The file shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the file as part of it performance review and utilize the results in assessing performance and training plan for the upcoming year.

1006.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1006.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

  1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Captain or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

  1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

  2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Sergeant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Shift Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.

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(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1006.6.2 ADMINISTRATIVE INVESTIGATION

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 regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

Internal Affairs Investigations will follow procedures outlined in the CBA.

1006.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1006.6.4 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1006.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1006.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1006.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1006.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The West Richland Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1006.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1006.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1006.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to

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appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

In the event of punitive action against an employee covered by civil service, the appeal process shall be in compliance with RCW 41.12.090 and RCW 41.14.120.

1006.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1006.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1006.15 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the Department shall, within 15 days of the termination, notify the CJTC on a personnel action report form provided by the commission. The Department shall, upon request of the CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer’s certification (RCW 43.101.135).

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Seat Belts

1007.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

1007.2 POLICY

It is the policy of the West Richland Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision to themselves and or passengers they may be transporting.

1007.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1007.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1007.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1007.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1007.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1007.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1008.2 POLICY

It is the policy of the West Richland 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.

1008.3 ISSUANCE OF BODY ARMOR

The Captain shall ensure that body armor is issued to all officers when the officer begins service at the West Richland Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The department shall establish a body armor replacement schedule in accordance with manufacturer quidlines 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.

1008.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

1. When performing primarily administrative functions, officers shall have available to them department issued body armor.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) Officers will not modify body armor in any manner.

(f) 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.

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(g) Body armor will only be worn in the manufacturer provided carrier or department authorized replacement carrier.

(h) Body armor include front and rear panels and any additional approved trauma plate or department approved additions.

1008.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1008.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1008.4 FIREARMS COORDINATOR RESPONSIBILITIES
The Captain should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Records

1009.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of this Department to maintain the confidentiality of peace officer personnel records pursuant to the exemptions listed in subsections of RCW 42.56.

1009.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer'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 officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1009.3 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 or his/her designee or by the Department of Human Resources as a permanent record of a sworn officer's employment with this department.

Supervisor File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned section 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.

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Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained in the office of the Chief of Police or his/her designee or by the Department of Human Resources. Such files shall be kept separately from other personnel files.

All employee records will be secured and available only to persons authorized to access such information.

1009.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

In general, unless expressly stated by statutory exception, personnel files are subject to public disclosure. To the extent possible, all personnel records, whether or not subject to public disclosure, should be maintained as private records. Access to personnel 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 personnel records listed in PERSONNEL FILES DEFINED 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 personnel files by the Mayor, City Attorney, or other attorneys or representatives of the City in connection with official business.

1009.5 REQUESTS FOR DISCLOSURE

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes (RCW 42.56.070).

(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(4)).

(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.

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When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the 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.

1009.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor.

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.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1009.6 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.

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(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. 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).

1009.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1009.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisors and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education should be maintained.

1. It shall be the responsibility of the involved employee to provide the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.

2. The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's department file.

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(c) Disciplinary action;

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years.
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years.
3. 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.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years.

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days.
2. Any such employee response shall be attached to and retained with the original adverse comment.
3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(g) A photograph of the employee.

1009.7.2 SUPERVISOR FILE

The Supervisor 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.

1. All materials intended for this interim file shall be provided to 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 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.

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(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1009.7.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Captain in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police. These files shall contain:

(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., yy-001, yy-002) with an alphabetically arranged index cross-referenced for each involved employee.

2. All investigative files, whether internally generated or arising out of a formal citizen's complaint, and which result in a sustained finding, shall be maintained no less than three years after the final case disposition.

(b) Pursuant to the Washington State Local Government Common Records Retention Schedule (CORE), investigative files shall be maintained as follows:

1. Employee misconduct reports (i.e. document(s) detailing the final disposition of allegations of employee misconduct and implementation of discipline where applicable) shall be maintained for a minimum of three years after the employee separates from employment with the West Richland Police Department.

2. After the case is closed, plus three years, an investigative summary report for all sustained investigations shall be placed in the employee's personnel file. The remainder of the documentation compiled during the investigation may be destroyed (Washington State Archives, Secretary of State, CORE Retention Schedule Ver. 2.1 July 2010).

3. Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career.

1009.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1009.7.5 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:

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(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 inquires 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.

1009.8 PURGING OF FILES

Personnel records shall be maintained and 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 shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution or other lawful records retention schedules.

1009.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

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1009.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1009.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records annually during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the written response from the Department shall be retained with the contested item in the member’s corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1009.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

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(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Commendations

1010.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the West Richland Police Department and individuals from the community.

1010.2 RECOMMENDATION PROCEDURES

RECOMMENDATION FOR AWARDS:

(a) Any departmental member may recommend another departmental member for any award. More than one person may make recommendations jointly.

(b) Any member of the department who is given significant assistance by a citizen, or any member of the department who is aware that such assistance has been given to another employee, may nominate that citizen for a Citizen Commendation.

(c) Letters from citizens commending a departmental employee shall be forwarded to the employee's supervisor for review. If the supervisor concludes that an award to the employee may be justified, he or she shall prepare and forward to the Captain recommendation for award in accordance with the procedures set forth in this policy.

(d) Award recommendations shall be neatly typed and shall set forth in detail the circumstances upon which the award is recommended. The recommendation must identify the person or persons making the recommendation and be signed by that person or those persons.

(e) The recommendation form may be accompanied by such supporting documentation as is deemed desirable by the person or persons initiating the recommendation. This documentation may include such items as witness statements, photographs, pertinent departmental incident reports, medical reports, reports from other law enforcement agencies, statements from civilians familiar with the incident, newspaper articles, and any other evidence that will assist the Chief in determining the merits of the recommendation.

(f) The recommendation shall be forwarded to the Captain for consideration as soon as possible.

1010.3 DETERMINATION OF AWARDS

(a) All recommendations for departmental awards are to be kept on file.

(b) The Chief will consider award applications as needed to consider recommendations. Where the recommendation is for an award to be presented posthumously, or for an award to a departmental member who has been seriously injured in the incident that is the subject of the recommendation, the Chief shall consider the award as soon as possible following receipt of the recommendation.

(c) The recommendation for awards shall be reviewed by the departments review committee made up of employees from different sections in our department. The Captain shall examine the circumstances of the recommendation and collect all

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of the facts pertinent to the case. This fact-finding process may include the hearing of witnesses, the examination of supporting documents submitted with the recommendation, the examination of any other reports prepared in connection with the incident, and, if necessary, field investigation to determine the accuracy of the testimony and documentation submitted.

(d) Upon completion of the fact-finding process, the Captain will submit the documentation to the review committee to consider the recommendation to the Chief.

(e) The committee may make any one of the following findings to the Chief:

(a) That the case meets the standards for the award that is the subject of the recommendation, and that the award is recommended for approval, or

(b) That the circumstances justify recognition, but that it has been determined that the presentation should be for an award other than that specified in the initial recommendation, or

(c) That the facts as currently known do not justify an award at this time.

(f) Only one award shall be made to an individual for any one act, achievement, or period of meritorious service. However, there is no limit to the number of medals, certificates, or letters of recognition that may be awarded to an individual for separate acts.

(g) The Chief shall maintain an Awards File. This file shall contain copies of each recommendation received. This includes all recommendations for awards to departmental members, together with copies of any supporting documents submitted with the recommendations. The Awards File shall be maintained alphabetically by employees' names, and shall be open for inspection to any member of the department. Recommendations for commendation of civilians for assistance to the department shall be maintained in a similar manner.

1010.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name and assignment at the date and time of the commendation.

(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate.

(c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate Captain for his/her review. The Captain shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

1010.4 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

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- **Medal of Honor-** Awarded to departmental members killed in the line of duty, or displaying exemplary meritorious conduct. This award is established as this state's highest award for law enforcement per RCW 41.72.020. All nominations shall be forwarded to the Washington State Law Enforcement Medal of Honor Committee and shall be in accordance with all policies and procedures set forth. This award will be presented at an annual ceremony, and presented in the form of a medal with ribbon, a ribbon bar, and a certificate as authorized by the department and medal of honor committee.
- **Award of Valor**- Awarded to departmental members for conspicuous gallantry while acting in the line of duty, not falling within the guidelines for the Medal of Honor. Presented to officers for acts of exceptional bravery performed at very high risk to their own lives with full awareness of the danger involved. This award will be presented in the form of a medal, a ribbon bar, and a certificate as proscribed by the department.
- **Medal of Distinction-** Awarded to departmental members who distinguish themselves in the line of duty by acts of personal bravery, not falling within the guidelines for the Medal of Valor. This award will be presented in the form of a medal, a ribbon bar, and a certificate as proscribed by the department.
- **Merit Award** for Excellent Arrest - This award is issued to law enforcement officers who make a notable arrest of a dangerous felon.
- **General Commendation** - This award is issued to law enforcement officers whose actions deserve to be commended for an outstanding act during the performance of their duties.
- **Meritorious Service-** Awarded to any member of the department for outstanding job accomplishment that has contributed to a more effective and efficient police department. This may involve improved administration, improved operations, substantial cost savings, or other benefits to the department that have materially facilitated the effective performance of the department's mission. This award is presented in the form of a ribbon bar and a certificate as proscribed by the department.
- **Lifesaving Award**- To be conferred upon any member of the department whose actions directly contribute to saving or significantly prolonging human life. This award will be presented in the form of a ribbon bar and certificate as proscribed by the department.
- **Unit Citation Award -**This award may be conferred for outstanding performance by an organizational unit of the department. The accomplishment must be the result of a combined efforts by members of a unit, shift, or squad. The Chief of Police may confer the award after his review of the nomination. This award consists of a certificate and a shirt bar.
- **Certificate of Commendation**- Presented in recognition of a high degree of competence and professionalism in the performance of departmental duties. This includes exemplary conduct during a field incident or operation, outstanding administrative work, the effective handling of a criminal investigation, the organization of a new and beneficial departmental program, designing and conducting a course of training, and commendable participation in any other activity that improves the

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department's functioning or brings credit upon the department in any way. It may also be presented to any employee who has demonstrated long-term excellence in service to the agency. This award is presented in the form of a department certificate.

- **Letter of Commendation**- Presented to departmental members who perform their duties in a manner that demonstrates professionalism, devotion to duty, and dedication to the performance of the departmental mission. This award may also be presented for the submission of any suggestion subsequently adopted by the department that materially improves the efficiency of the department. This award is presented in the form of a letter to the employee signed by the Chief. Line supervisors may make presentations of these awards to officers under their command as approved by the Chief.
- **Citizen Commendation-** This award may be presented to any person who is not a member of the department but who has materially aided the department or its officers in some way. This includes assistance in the solution of crime or the apprehension of criminals, aiding an officer in the field in a critical situation, and cooperation with or assistance to the department as a whole in any aspect of the department's administration or operations. This award to be presented in the form of a letter signed by the Chief.
- **Employee of the Year-** The Employee of the year award is to acknowledge those contributions that are beyond the normal job expectations and are consistent with the established Mission Statement and Values of WRPD.The Employee of the Year award process will be managed by the Captain. Nominations will be submitted to the WRPD Review committee for review, and establish a recommendation for the award to submit to the Chief of Police. The Chief of Police will review all nominations and recommendations by the review committee to assist with his final decision of the recipient each year.
- **Other Awards**-The Chief may establish other awards as deemed desirable and as designated by the Chief. Any such additional awards shall be considered and presented in accordance with this policy.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

See attachment: Award ribbons.pdf

1010.5 SPECIALTY POSITION RIBBONS

All Officers are authorized to wear the US Flag ribbon as drafted in this policy. West Richland Police department recognizes the following Specialty Ribbons for wear on the uniform. The US Flag, Military Service, SWAT, Instructor< Training Officer, and SRO. No other specialty position is authorized for wear while in uniform. (see attached Award Ribbon PDF for authorized ribbons).

1010.6 HOW WORN

General. Ribbons are worn in order of precedence from the wearer's right to left, in one or more rows, with either no space between rows or 1#8-inch space between rows. No more than four

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ribbons are worn in any one row. Officers will not start a second row unless they are authorized to wear four or more ribbons. The determination of whether three or four ribbons are worn in each row is based upon the size of the uniform shirt and the position of the lapel. The first and second rows will contain the same number of ribbons (three or four) before starting a third row. The third and succeeding rows will contain the same number of ribbons as the first two rows, but may contain less. The top row is centered on the row beneath, or may be aligned to the wearer's left, whichever presents the best appearance. Current specialty position ribbons can be worn on the Class B uniform shirt during normal duty. All past position and present positions and awards may be worn on the class A uniform only.

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Fitness for Duty

1011.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1011.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1011.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

(b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.

(d) In conjunction with the Shift Sergeant or employee's available Captain, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1011.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims. In all cases of relief from duty the applicable Collective Bargaining Agreement, Civil Service Rules or City policy will be followed.

1011.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

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(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.

1011.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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Lactation Break Policy

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1012.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to two years after the child's birth (29 USC § 207; RCW 43.10.005).

1012.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify SECOMM or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1012.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207; RCW 43.70.640; RCW 43.10.005).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1012.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1013.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1013.1.1 TIME REQUIREMENTS

Payroll records are submitted to Human Resources on a bi-weekly basis for the payment of wages. All employees are paid on a bi-weekly basis Payroll records shall be completed and submitted to Administrative Services no later than 8:00 a.m. on the Monday morning following the end of the pay period, unless specified otherwise.

1013.2 POLICY

The West Richland Police Department maintains timely and accurate payroll records.

1013.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1013.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services as established by the City payroll procedures.

1013.5 RECORDS

The Captain shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Outside Employment

1014.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1014.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1014.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1014.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

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1014.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

1014.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

(a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

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1014.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employees working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1014.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

1014.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Supervisor, undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

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1014.4 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.

1014.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to Policy Manual § 1040.2.2(c).

1014.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1014.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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(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 West Richland Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1014.7 OUTSIDE EMPLOYMENT APPLICATION
APPLICATION FOR OUTSIDE EMPLOYMENT, CONSULTING

OR BUSINESS EMPLOYMENT (OUTSIDE EMPLOYMENT)

Date Submitted _____

Name of Employee_____ Department _____

Job Title_____

Name of Employee's

Supervisor_____

Job Title _____

IMPORTANT - PLEASE READ

Employees must not use their police position for private gain for themselves or persons with whom they have family, business, personal, or financial ties. It is equally important that employee actions not give the appearance of such intent. It is the responsibility of employees to obtain review and approval of activities which present a potential for conflict of interest.

REQUIRED INFORMATION

PART I: Employee

Please complete a separate form for each outside employment, consulting or business employment (herein referred to as outside employment). Answer all questions as thoroughly as possible. (It is important to include all relevant in formation in order to facilitate the review process.

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Use additional paper if necessary.) After completing and signing Part I of this application, forward to your supervisor for completion.

Description of Proposed Outside Employment:

1. Provide sufficient information inclusive of the business involved and the work to be performed..

_____

_____

_____

(b) What is the proposed duration of the outside employment?

_____

3. How many hours per day and/or per week will you be working for this outside employment?

_____

4. When will the proposed outside employment be conducted (e.g., evenings, weekends, on vacation time or leave without pay, or during the regular West Richland police workday?

_____

5. List the name and address of the outside organization for which you will be conducting outside employment and describe what your relationship to it will be. Employee? Consultant? Unpaid advisor? Board member? Other?

_____

_____

(f)

Will you receive pay , expense reimbursement ,, or both , as compensation for this outside employment?

I will receive no compensation or expense reimbursement for this outside employment.

Please check the correct box.

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(g) Will your outside employment involve travel or other activities which will be paid for directly by a third party? If the answer to the question is yes, please explain.

_____

_____

Other outside Employment:

List all other current outside employment you are engaged in. Indicate hours per day and per week devoted to each one.

_____

_____

_____

I understand that I may not engage in outside business employment, outside employment or consulting on West Richland police department scheduled work time. I also understand that any use of West Richland equipment or facilities (including computers and software), services or supplies, reproduction machines, telephones, mail service, stationery, etc., in connection with my proposed outside employment is prohibited. In addition, the use of the name, seal, or letterhead of the West Richland organization in the conduct of my proposed outside employment is prohibited.

Employees may be restricted from engaging in outside employment if said employment creates the potential for a conflict of interest related to the actual exercise of the employee's police authority/ police power, an actual conflict of interest, and/or any impediments to the employee's performance of his/her regular duties as determined by the Chief. Employees who are contemplating outside employment shall prior written notification to the Chief and said notification shall include sufficient information inclusive of the business involved, the work to be performed, the hours of work and the duration of the outside employment so that the Chief can make a determination.

Signature of Employee
Date_____

REQUIRED INFORMATION

PART II: Supervisor

Please answer all questions listed below, recommend approval as appropriate, and forward the complete application to the West Richland Police Chief.

1. What are the similarities between the proposed outside employment and the work the employee performs at West Richland Police Department?

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Outside Employment

_____

_____

_____

2. How does the proposed outside employment relate to current/future work assignments of the employee? Is there an overlap between the proposed work and the police department work?

_____

_____

_____

3. Will this outside employment enhance the employee's contribution to the police department?

_____

_____

_____

4. Will the outside employment relate to or be used on any ongoing or anticipated police department programs?

_____

_____

_____

I have approved participation in this outside employment and do not believe it constitutes a conflict of interest, nor will it interfere with the employee's required time at and commitment to West Richland Police Department. I recommend that this application be approved, subject to the following conditions, limitations, or restrictions:

_____

_____

_____

_____

Supervisor Date

Approved Disapproved _____

_____

_____

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Outside Employment

West Richland Police Chief Date

Approval is granted subject to the conditions (if any) specified below. If this outside employment continues beyond the dates specified, you must submit another application to extend it.

Conditions (if any):

_____

Outside employment may be performed between _____ and _____.

Beginning date Ending date

_____

_____

Director of Employee Relations Date

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Occupational Disease and Work-Related Injury Reporting

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

1015.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1015.2 POLICY

The West Richland Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

1015.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to human resources within 24 hours or the next working day. The medical provider of service will help the employee complete necessary paperwork for L&I (SIF-2). The worker is required to bring a copy to Human Resources along with the internal Employee Incident Form.

1015.2.2 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).

1015.2.3 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.

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.

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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. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor and Human Resources 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.

All employees are required to fully cooperate with accident investigations.

1015.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work related injury, illness or accident shall promptly prepare the internal departmental form, Supervisor Accident Investigation Report. Updated copies of all forms and instructions can be provided by Human Resources.

For work-related accidents, injuries, and illnesses not requiring professional medical care, a Employee Incident report shall be completed. All copies of the completed form shall be forwarded to the supervisor's Captain, through the chain of command and human resources

When an accident, injury or illness is reported initially on the "Employee Incident event " form and the employee subsequently requires professional medical care, the State of Washington “Employer's Report of Occupational Injury or Illness” 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 Captain as soon as they are completed.

1015.2.5 CAPTAIN RESPONSIBILITY

The Captain 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.

1015.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1009).

1015.3 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:

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1015.3.1 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 a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1015.3.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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Personal Appearance Standards

1016.1 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.

1016.2 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.

1016.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

Hair may be worn up or in a tightly wrapped braid or ponytail.

1016.2.2 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.

1016.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1016.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee. Officers will report to duty clean shaven if in uniform.

1016.2.5 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.

1016.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Earring studs of gold, silver

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or nuetral color may be worn to maintain the piercing. Only one ring may be worn on each hand of the employee while on-duty.

1016.3 TATTOOS

- Visible face, hand and neck tattoo's are prohibited.
- Tattoos will not be displayed on any part of the body if they are obscene, offensive, sexually suggestive, profane or discriminatory in any way towards persons on the basis of race, color, national origin or ancestry, religion, age, sex, or disability.

1016.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

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Uniform Regulations

1017.1 PURPOSE AND SCOPE

The uniform policy of the West Richland 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 policies:

- Department Owned and Personal Property
- Body Armor
- Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The West Richland Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1017.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professional.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(g) If the uniform is worn while in transit in a personal owned vehicle, 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.

(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including any issued uniform pants.

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(i) 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. Necklace
3. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
4. Medical alert bracelet.

1017.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a department issued 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 the Chief or Designee.

1017.3 UNIFORM CLASSES

1017.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie.

(b) Polished shoes.

Boots with pointed toes are not permitted.

1017.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Shoes for the Class B uniform may be as described in the Class A uniform.

(e) Approved all black boots or shoes may be worn.

(f) Boots with pointed toes are not permitted.

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(g) Department issued headgear is the only authorized headgear and will only be worn during inclement weather.

(h) No headgear is authorized to wear indoors unless approved be the Chief or his/her designee

1017.3.3 CLASS C UNIFORM
The Class C uniform may be established for special duty. The Class C uniform will be designated for the following circumstances, and may be authorized for special occasions;

- Training events,
- Pre-approved community events,
- Department meetings

1017.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1017.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1017.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. Service stripes represent three years service per stripe. On formal uniforms one star represent five years service.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first initial will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(e) Flag Pin - a flag pin may be worn, centered above the nameplate.

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(f) Badge - The department issued badge, must be worn and visible at all times while in uniform. An authorized cloth replica badge shall be sewn to the Class C uniform shirt and may be sewn on the uniform jacket.

(g) 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.

1017.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1017.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, Polo shirt, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone.
2. Open toed sandals or thongs.
3. Swimsuit, tube tops, or halter-tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

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(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the West Richland Police Department or the morale of the employees.

(g) Civilian business casual attire may be worn during training or at meetings not requiring a uniform of formal attire.

1017.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, West Richland 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 West Richland 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.

1017.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department Owned and Personal Property Policy as well as the WRCBA).

1017.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

West Richland Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or designee.

West Richland Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or designee.

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Nepotism and Conflicting Relationships

1018.1 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.

1018.1.1 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.

1018.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, 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.

1018.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1018.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Domestic Violence Involving Law Enforcement Employees

1019.1 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).

1019.1.1 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.

1019.2 DEPARTMENT RESPONSIBILITIES

West Richland 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 West Richland Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the West Richland 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.

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(i) Provide victims of domestic violence by West Richland Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.

(j) Provide victims of domestic violence by West Richland 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 West Richland Police Department employees who are alleged victims of violence at the hands of sworn employees of the West Richland 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 West Richland 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.

1019.2.1 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.

1019.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

The Captain shall be notified of an incident covered by this policy shall notify the Chief promptly of such incident and:

(a) If an WRPD 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.

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(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 West Richland Police Department provides appropriate reports and any other requested documentation to the employing agency.

1019.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

(a) In all instances of domestic violence involving law enforcement personnel. The Domestic Violence Specialist or DV Advocate 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 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 Advocate shall:

1. Contact the victim.
2. Introduce the point of contact.
3. Provide an update regarding the administrative process.

1019.3 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 Captain 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.

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(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 Captain 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 Captain or by court subpoena.

(f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1019.4 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.

1019.4.1 RADIO RESPONSE

Employees of SECOMM will ensure the following actions are taken:

(a) Enter a call for service.

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(b) Notify the Shift Sergeant or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.

(c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

1019.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

(a) The primary unit will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene and any injuries identified.
2. Statements from all witnesses, including children, if any.
3. The Domestic Violence Supplemental Report Form.
4. Seizure of any weapons used or referred to in the crime.
5. Signed medical releases.
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved.
8. Statement of the victim; statement of the suspect.
9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
10. Complete the report as soon as possible, but prior to the completion of their shift.

(b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, 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.

1019.4.3 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 West Richland 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.

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(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 West Richland 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 WRPD contact information, acting as the point of contact until another assignment is made.

1019.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The West Richland Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

(a) Information on how to obtain protective orders and/or removal of weapons from his/her home.

(b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c) A copy of this policy and any agency confidentiality policy.

(d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.

(f) The West Richland Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

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Department Badges

1020.1 PURPOSE AND SCOPE

The West Richland Police Department badge and uniform patch as well as the likeness of these items and the name of the West Richland Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1020.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1020.2.1 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 West Richland Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1020.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1020.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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Department identification cards may be issued to volunteers participating in the Volunteers In Police Service (VIPS) program upon approval by the Chief of Police, or designee. The identification card will be issued by the City of West Richland and contain, as a minimum, the following:

(a) Issue date

(b) Volunteer's name and photograph

(c) Clear indication that the person is a police volunteer

The volunteer identification card must be worn at all times while a volunteer is on-duty and removed when off-duty. Volunteers shall not intentionally represent themselves or infer through omission of information that they are sworn officers or other employees of the Department.

1020.3 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.

1020.4 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 West Richland Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Temporary Modified-Duty Assignments

1021.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1021.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1021.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the West Richland Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1021.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Captain or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

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The Chiefwill determine what modified duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified duty assignment of 20 hours or less may be approved and facilitated by the Chief or his designee. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

1021.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Captain.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1021.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Captain apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Captain with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Captain and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1021.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

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1021.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Captain.

1021.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1021.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Captain of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Captain and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1021.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1021.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

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Temporary Modified-Duty Assignments

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005 or WAC 357-26-030 et seq.

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Employee Speech, Expression and Social Networking

1022.1 PURPOSE AND SCOPE

This policy is intended to address all work related issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1022.1.1 APPLICABILITY

This policy applies to all work related issues 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.

1022.2 POLICY

Public employees occupy a trusted position in the community, and thus, all work related issues 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 West Richland Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a lawful control over its employees' speech and expression.

1022.3 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 West Richland Police Department or its employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety or privacy of any employee, an employee's family or associates.

1022.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited:

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(a) Speech or expression made pursuant to an official duty that can be reasonably interpreted and/or understood to compromise or damage the mission, function, reputation or professionalism of the West Richland 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 West Richland Police Department and can be reasonably interpreted and/or understood to compromise or damage the mission, function, reputation or professionalism of the West Richland Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or unlawful behavior.

(d) Speech or expression that could be reasonably interpreted and/or understood as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportation are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Use or disclosure 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 use for other than Departmental purposes without the express authorization of the Chief of Police or the authorized designee.

(f) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the West Richland Police Department on any personal or social networking or other website or web page, without permission of the Chief of Police or his designee.

(g) Accessing websites for non-authorized purposes, or on-duty use of any department communication device for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks, meal periods, rest periods; such usage should be limited so as not to disruptive to the work environment.
3. On limited basis, when engage in activities, such as collective bargaining or idle training time or similar types of activities, where there are periods of inactivity associated with work activities so long as this activity is not disruptive to the conduct of bargaining, training or work, etc.

(h) Investigation of an employee's personally owned electronic devices will be conducted in accordance with State and Federal laws related to privacy and personal electronic devices.

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(i) An employee may voluntarily consent to provide information from a personally owned electronic device.

(j) This policy is subject to review and refinement periodically based upon legal developments as they may evolve, and the City and the WRPOA acceptance and approval of this policy at the time of adoption shall not be construed as a waiver of such future rights as may become established in the future.

1022.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, or except when an employee is acting as an official of an organization or group which is affiliated with the employees of the Police Department (e.g. bargaining group)., employees may not represent the West Richland Police Department or identify themselves in any way as being affiliated with the West Richland 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.

Employees, including employees acting on behalf of lawful organizations, 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 in their work related capacity shall not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees, in their work related capacity, are also prohibited from directly or indirectly using their official authority to coerce, command another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1022.5 PRIVACY EXPECTATION

With regard to work related activity and the use of any City owned equipment, communication device, tools or technology, etc., employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace).The Department policy is that no employee is authorized to post to any social media any law enforcement information obtained through employment or otherwise unless as directed by the Chief of Police or his designee.

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 (police administration or City personnel assigned to perform this function) reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or receivedthrough 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

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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 department computers or networks.

1022.6 TEXT MESSAGING

The use of text messaging on any City-owned cellular phones and/or City-owned electronic devices for police business purposes is authorized..

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Police Cadets

1023.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1023.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 (“C” grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

1023.3 PROGRAM COORDINATOR

The Training Bureau Manager will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1023.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1023.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1023.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for civilian employees.

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1023.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Manager.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1023.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Shift Sergeant. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1023.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

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Accident, Illness and Injury Prevention

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the West Richland Police Department, in accordance with the requirements of an Accident, Illness and Injury Prevention Program (AIIPP) (WAC 296-800-140 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1024.2 POLICY

The West Richland Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related accidents, illness and injuries. The Department will establish and maintain an AIIPP and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1024.3 ACCIDENT, ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Captain is responsible for developing an accident, illness and injury prevention plan that shall include (WAC 296-800-14005):

(a) A description of the entire accident, illness and injury plan, including workplace safety and health training programs.

(b) A safety orientation that covers all components of the AIIPP.

(c) Regularly scheduled safety meetings.

(d) Posted or distributed safety information (WAC 296-800-19005; WAC 296-800-20005).

(e) A system for members to anonymously inform management about workplace hazards.

(f) Establishment of a safety and health committee that will (WAC 296-800-130):

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.

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8. Assess the effectiveness of efforts made by the Department to meet applicable standards (WAC 296-800-100 et seq.).

(g) Establishing a process to ensure workplace accidents involving a fatality or in-patient hospitalization of any member are reported as required to the Washington Department of Labor and Industries (WAC 296-27-031).

(h) On-the-job review and training of the practices necessary to perform the initial job assignments in a safe manner and how to properly address hazards.

(i) Instruction on reporting injuries and location of first-aid facilities.

(j) The use and care of required personal protective equipment (PPE).

(k) The proper actions to take during emergencies, including the routes for exiting work areas.

(l) Identification of the hazardous gases, chemicals or materials, along with the instructions on their safe use and emergency action following accidental exposure.

(m) The development, supervision, implementation and enforcement of training programs to improve the skill, awareness and competency of all members regarding occupational safety and health (WAC 296-800-14020).

1024.3.1 SAFETY COMMITTEE

The West Richland Police Department management maintains a position on the safety committee to communicate and evaluate safety and health issues that may affect members and to promote a safe and healthy work environment. The safety committee should include employee-elected and department-selected members. The number of employee-elected members must equal or exceed the number of department-selected members. A chairperson of the committee shall be elected (WAC 296-800-13020).

The safety committee will:

(a) Review safety and health inspection reports to help correct safety standards.

(b) Evaluate accident investigations conducted since the last meeting to determine if the causes of the unsafe situation were identified and corrected.

(c) Evaluate the AIIPP and discuss recommendations for improvement, if needed.

(d) Document attendance.

(e) Write down the subject discussed.

(f) Prepare minutes of each meeting that shall be made available for review by safety and health consultation personnel of the Washington Department of Labor and Industries.

1024.4 ADMINISTRATIVE SERVICES CAPTAIN RESPONSIBILITIES

The responsibilities of the Administrative Services Captain include, but are not limited to:

(a) Managing, implementing and enforcing a plan to reduce the incidence of member accident, illness and injury (WAC 296-800-14025).

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(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the accident, illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the accident, illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Communicable diseases (WAC 296-823-100 et seq.)
   (b) PPE (WAC 296-800-160 et seq.)
   (c) Respiratory protection (WAC 296-800-160)
   (d) First aid (WAC 296-800-150 et seq.)
   (e) Safe workplace (WAC 296-800-110 et seq.)
   (f) Emergency Action Plan and Fire Prevention Plan (WAC 296-24-567)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1024.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with accident, illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

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(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to accident, illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Captain.

(e) Notifying the Administrative Services Captain when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational accidents, illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1024.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administrative Services Captain via the chain of command.

The Administrative Services Captain will take appropriate action to ensure the accident, illness and injury prevention plan addresses potential hazards upon such notification.

1024.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

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The Administrative Services Captain shall ensure that the appropriate documentation is completed for each inspection.

1024.7.1 EQUIPMENT
Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field.Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

The interior of any vehicle that has been used to transport any person other than a member of this department will be inspected prior to placing another person in the vehicle and again after the person is removed. This is to insure that unauthorized or personal items have not been left in hte vehicle.

When transporting any suspect prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

1024.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1024.9 TRAINING

The Administrative Services Captain shall work with the Training Officer to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices (WAC 296-800-14020). Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

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(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1024.9.1 TRAINING TOPICS

The Training Officer shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1024.10 RECORDS

Records and training documentation relating to accident, illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee records shall be retained for a minimum of one year (WAC 296-800-13020).

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Line-of-Duty Deaths

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the West Richland Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1025.2 POLICY

It is the policy of the West Richland Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1025.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Sergeant and SECOMM.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Shift Sergeant or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1025.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other West Richland Police Department members may be apprised that survivor notifications are complete.

1025.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1025.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1025.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1025.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Captain or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1025.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or West Richland Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1025.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Captain. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1025.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1025.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1025.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many West Richland Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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1025.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Death benefit (RCW 41.26.510)
2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
3. Retirement benefits (RCW 41.04.393)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1025.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

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(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1025.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

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1025.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1025.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1025.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1025.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Anti-Retaliation

1026.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

1026.2 POLICY

The West Richland Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1026.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1026.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Personnel Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1026.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1026.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1026.7 WHISTLE-BLOWING

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Captain for investigation pursuant to the Personnel Complaints Policy.

1026.7.1 DISPLAY OF REPORTING PROCEDURES

The Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

1026.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1026.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Attachments

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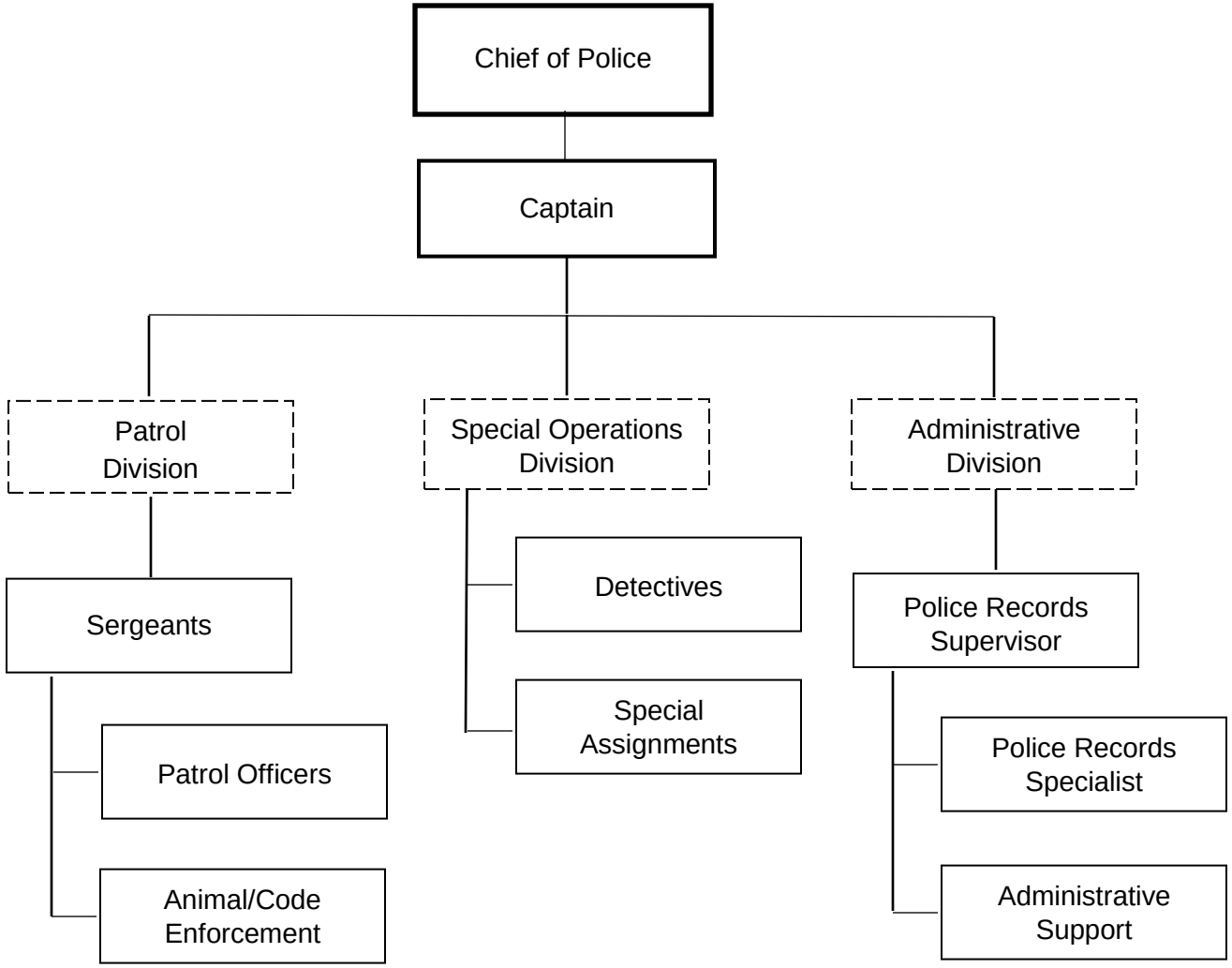
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Captain
Patrol Division
Special Operations Division
Administrative Division
Sergeants
Detectives
Special Assignments
Police Records Supervisor
Patrol Officers
Animal/Code Enforcement
Police Records Specialist
Administrative Support

Award ribbons .pdf

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Award Ribbons

Medal of Honor

Award of Valor

Medal of Distinction

Merit Award

General Commendation

Meritorious Service

Life Saving Award

Unit Citation Award

Officer of the Year

Specialty Ribbons

US Flag

Military Service

SWAT

Instructor

Training Officer

SRO

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