LAW ENFORCEMENT CODE OF ETHICS

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

As a Spokane Police Officer or employee of the Spokane Police Department, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men and women to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

A. PREAMBLE

Whereas, members of the Spokane Police Department are vested with public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and Whereas, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a code of professional conduct and responsibility for members of the Spokane Police Department as a matter of the highest significance to the health, welfare and safety of the citizens of this state; and

Whereas, the establishment of a code of professional conduct and responsibility of members of the Spokane Police Department, which includes canons of ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore Be it resolved that the need to maintain high standards of moral character, integrity, knowledge and trust requires that members of the Spokane Police Department establish and conform to a code of professional conduct and responsibility for members of the Spokane Police Department.

B. GENERAL STATEMENT

Members of the Spokane Police Department are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust and

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

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

C. CANONS OF ETHICS

CANON ONE

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

ETHICAL STANDARDS

Standard 1.1:

Members of the Spokane Police Department shall recognize that the primary responsibility of their profession and of the individual member is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitution and laws derived therefrom.

Standard 1.2:

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

Standard 1.3:

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

Standard 1.4:

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

Standard 1.5:

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

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Standard 1.6:

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

CANON TWO

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

ETHICAL STANDARDS

Standard 2.1:

Officers of the Spokane Police Department shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties. Standard 2.2: Members of the Spokane Police Department shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

Standard 2.3:

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

Standard 2.4:

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

CANON THREE

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

ETHICAL STANDARDS

Standard 3.1:

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

Standard 3.2:

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

Standard 3.3:

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

Standard 3.4:

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

Standard 3.5:

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

Standard 3.6:

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

Standard 3.7:

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

Standard 3.8:

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

Standard 3.9:

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

CANON FOUR

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

ETHICAL STANDARDS

Standard 4.1:

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

Standard 4.2:

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

Standard 4.3:

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

Standard 4.4:

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

Standard 4.5:

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

Standard 4.6:

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

Standard 4.7:

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

Standard 4.8:

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

Standard 4.9:

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

Standard 4.10:

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

Standard 4.11:

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

Standard 4.12:

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

Standard 4.13:

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

CANON FIVE

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LAW ENFORCEMENT CODE OF ETHICS

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

ETHICAL STANDARDS

Standard 5.1:

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

Standard 5.2:

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

Standard 5.3:

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

CANON SIX

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

ETHICAL STANDARDS

Standard 6.1:

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

Standard 6.2:

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

Standard 6.3:

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

Standard 6.4:

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

Standard 6.5:

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

Standard 6.6:

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

Standard 6.7:

Chief executive officers of the Spokane Police Department shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of the Spokane Police Department and the competency of their members. These canons and ethical standards shall apply to all members of the Spokane Police Department regardless of position.

Standard 6.8:

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

CANON SEVEN

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

ETHICAL STANDARDS

Standard 7.1:

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

Standard 7.2:

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

Standard 7.3:

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

CANON EIGHT

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

ETHICAL STANDARDS

Standard 8.1:

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

Standard 8.2:

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

CANON NINE

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

ETHICAL STANDARDS

Standard 9.1:

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

Standard 9.2:

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

Standard 9.3:

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

Standard 9.4:

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

Standard 9.5:

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

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MISSION/VISION STATEMENT

MISSION Statement

The Spokane Police Department is committed to providing excellence in policing, enhancing the safety and security of individuals, and building partnerships to better the lives of our community members as a whole.

VISION Statement

Our vision is to serve every member of our community with professionalism, integrity and compassion so that with every interaction we continue to build trust, preserve safety and model ethical policing.

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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 Spokane Police Department to perform their functions based on established legal authority.

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

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

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

B. A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100, subsections (1) through (11).

C. A peace officer may arrest a person in compliance with an arrest warrant once the warrant has been confirmed via dispatch. If the warrant is an out of state warrant, dispatch will confirm extradition with the originating agency. If the officer does not have the warrant physically in hand, it will be shown to the person arrested at the location of confinement.

100.3.1 OTHER AUTHORITY

Sworn members of this department who enter the state of Oregon or Idaho in order to provide or attempt to provide law enforcement assistance have Oregon or Idaho peace officer authority within 50 miles of the Washington-Oregon/Washington-Idaho border under the following circumstances (ORS 133.405 and Idaho Statute Title 67-2337 and 19-701):

A. In response to a request for law enforcement assistance initiated by an Oregon or Idaho sheriff, constable, marshal, municipal police officer or member of the Oregon or Idaho 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 or Idaho law enforcement officials to formally request assistance.

C. For the purpose of assisting Oregon or Idaho law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or

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other similar public safety situations, an Oregon or Idaho law enforcement official is present at the scene of the incident.

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

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

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 SPECIAL SPOKANE POLICE COMMISSIONS

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

100.6 OTHER POLICE COMMISSIONS

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

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Law Enforcement Certification

102.1 PURPOSE AND SCOPE

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

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH OF OFFICE

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

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

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

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Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.1.1 DISCLAIMER

The provisions contained in this 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 Spokane 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Spokane Police Department reserves the right to revise any policy content, in whole or in part.

106.2 RESPONSIBILITIES

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

106.2.1 CHIEF OF POLICE

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

106.2.2 COMMAND STAFF

Command staff shall consist of the following:

Chief of Police

Assistant Chiefs of Police

Majors

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Directors

Captains

Deputy Directors

106.2.3 POLICY REVISIONS

All department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, through their Chain of Command. Those revisions which are approved by the Chain of Command shall be forwarded to the Office of Professional Accountability (OPA). The OPA will elicit and coordinate, when appropriate, the input of appropriate Subject Matter Experts (SMEs), department members, and other relevant groups.

The OPA will also oversee the policy revisions associated with General Orders issued by the Chief's office, suggested updates published by Lexipol, and those proposed by supervisors and command staff who are responsible for the periodic review of those policies affecting their areas of command.

The OPA has the responsibility for tracking all proposed policy changes through the revision process. New policies shall be delivered in packets by email to all SPD members for review and stored on the "H" drive in the "Recent Policy Manual Revisions" folder.

The OPA shall incorporate the new policies into new versions of the policy manual and archive former copies. Current and former versions of the Policy Manual shall be maintained on the H Drive.

All employees are responsible for keeping abreast of all Policy Manual revisions. All employees will familiarize themselves with policy updates by the listed implementation date.

During the 3rd Quarter of each year SPD Strategic Initiatives, with the assistance of other appropriate department personnel, will review each policy not otherwise reviewed or modified in the past 12 months.

106.2.4 CITY LEGAL REVIEW

Proposed policy changes, when appropriate, shall be forwarded to City Legal for review prior to final approval. City Legal will provide input and forward any recommendations to the OPA.

106.2.5 COMMAND STAFF REVIEW

Any proposed changes to this manual will be forwarded to Command Staff by the OPA for final review and modification before implementation. Upon the approval of Command Staff, the matter will be forwarded to the Police Chief for final approval.

106.2.6 TRAINING CENTER RESPONSIBILITIES

Once a policy has been updated, created, or modified the Inspections Unit shall forward the new policy to the Training Center. The Training Center Commander, or designee, will review the policy and revise any related training, as necessary. The Training Center will be responsible for modifying or creating lesson plans and training plans to adhere to the new policy.

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106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

General Orders may be abbreviated as "GO".

Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X".

106.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

C.F.R. - Code of Federal Regulations

City - The City of Spokane

CJTC - The Washington State Criminal Justice Training Commission

Department /SPD - The Spokane Police Department

DOL - The Department of Licensing

Employee/Personnel - Any person employed by the Department.

IA - Internal Affairs

Juvenile - Any person under the age of 18 years.

Manual - The Spokane Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

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

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

PIO - Public Information Officer

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

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

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

Rank - The job classification held by an officer.

RCW - The Revised Code of Washington

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Shall or Will - Indicates a mandatory action.

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

SMC - Spokane Municipal Code

U.S.C. - United States Code

WAC - The Washington Administrative Code

WSP - The Washington State Patrol

106.3.3 DISTRIBUTION OF MANUAL
An electronic version of the Policy Manual will be made available on the department network for access by all employees on the H Drive.

106.4 POLICY MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain any necessary clarification of this department's policies and each policy update. Members shall log into the Lexipol website upon the issuing of an updated manual and digitally accept the new edition of the manual within 30 days.

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Chapter 2 - Organization and Administration

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Organizational Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 COMMAND PROTOCOL

200.2.1 SUCCESSION OF COMMAND

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

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

200.2.2 UNITY OF COMMAND

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

200.2.3 ORDERS

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

200.2.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, departmental policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

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General Order

204.1 PURPOSE AND SCOPE

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

204.1.1 GENERAL ORDER PROTOCOL

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

The Chief of Police or designee shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

204.2.2 CHIEF OF POLICE

The Chief of Police or his/her designee shall issue all General Orders.

204.3 ACCEPTANCE OF GENERAL ORDERS

All employees are required to read and obtain any necessary clarification of all General Orders. General Orders shall be disseminated by e-mail and supervisors are responsible to ensure that issued General Orders are made available to all their subordinates and staff.

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Disaster Plan

206.1 PURPOSE AND SCOPE

The City-County Department of Emergency Management has prepared a Comprehensive Emergency Management Plan (CEMP) for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

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

206.1.1 SPOKANE CODES

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

206.2 ACTIVATING THE EMERGENCY PLAN

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

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Spokane 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.

206.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The manual for the employees is available in the Combined Communications Center and electronically. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and what roles police personnel will play when the plan is implemented.

206.4 CITY OF SPOKANE AUTHORITY

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

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

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

206.5 UPDATING OF MANUALS

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

206.6 BUILDING EVACUATION PLAN

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

206.7 TRAINING

The Department should provide 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.

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Training Policy

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program. Training will provide for the professional growth and continued development of department personnel, and will ensure department personnel possess the knowledge and skills necessary to provide a professional level of service to the community. A training program to enhance the department's relationship with the community will also be developed.

208.2 PHILOSOPHY

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

208.3 TRAINING PLAN COMMITTEE

The Chief of Police, or his or her designee, will appoint a Training Plan Committee. This committee shall consist of the Training Director and representatives of the Training Center, a

representative from Internal Affairs, and other appointed representatives from within and without the department. Appointees will serve at the discretion of the Chief of Police. The Training Plan Committee shall develop short term and long term Training Plan guidelines for internal and external purposes. It is the responsibility of the Training Plan Committee to maintain, review, and update the training plan on an annual basis.

208.3.1 TRAINING NEEDS ASSESSMENT

The Training Plan Committee will conduct an annual training-needs assessment of the department to prepare for the subsequent year of training. The needs assessment will be reviewed by Command staff. Upon approval by Command staff, the needs assessment will form the basis for the training plan for the fiscal year. Depending on the needs of the Department, the plan may be modified.

208.4 TRAINING PLAN AND DOCUMENTATION

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

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

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

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

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 WAC139-11-060.

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

C. All sworn members will successfully complete an annual in-service training program on the Spokane Police Department's 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. 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).

The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING PROGRAMS

Remedial Training-Work Improvement:

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

Required Re-Entry / Re-Integration Training Plan:

- Any officer absent for any reason for a period of more than six months, or as deemed necessary by their immediate supervisor, shall be assigned to the Training Academy for a minimum of one shift. This shall occur prior to their being assigned in any capacity to their primary duty post.

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

208.6 PRE-ACADEMY, PRE-FTO, AND EQUIVALENCY ACADEMY

The Training Unit will coordinate and issue all necessary pre-academy paperwork and qualifications for new SPD recruits.

The Training Unit will arrange all necessary paperwork, supplies and travel arrangements for all entry level officers attending the Washington State Criminal Justice Training Commission (WSCJTC) Basic Academy.

- A vehicle for transportation and a laptop computer will be supplied to the officers should it be necessary for them to attend the WSCJTC Academy in Burien, Washington.
- All Pre-FTO Academy training will be designed and implemented by the Training Unit. The Training Unit will arrange all necessary paperwork, supplies and travel arrangements for all lateral officers attending the WSCJTC Equivalency Academy, as well as any Pre-FTO training that may be needed for department specific skills and knowledge.

208.7 TRAINING PROCEDURES

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

A. Court appearances

B. First choice vacation

C. Sick leave

D. Physical limitations preventing the employee's participation.

E. Emergency situations

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

A. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.

B. Document his/her absence in a memorandum to his/her supervisor.

C. Make arrangements through his/her supervisor and the Training Lieutenant to attend an alternate date

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When an employee attends training outside of the Spokane Police Department, it is the employee's responsibility to notify the training center to update their training records.

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Early Intervention System

209.1 PURPOSE AND SCOPE

The Early Intervention System (EIS) is a non-disciplinary proactive management tool comprised of automated software notifications and a structured department review process. The primary purpose of EIS is to provide employees and supervisors with relevant data to make informed decisions in the identification of potential training opportunities, need for policy review, and ensure the use of proper and effective tactics and equipment. EIS shall monitor all commissioned personnel.

209.2 POLICY

It is the policy of the Spokane Police Department to monitor, identify, and guide employee performance in an effort to ensure a professional and accountable work environment for employees and for the citizens they service in the City of Spokane.

209.3 DEFINITIONS

A. **Indicator** - An indicator is the incident, data, and/or information compiled to identify and evaluate an employee's performance.

B. **Threshold** - A threshold is the point at which a sufficient number of incidents have occurred to generate an alert.

C. **Intervention** - An intervention is a meeting with the employee after a supervisory review of the incidents that generated the alert is conducted.

D. **Incidents not Meeting Threshold Criteria**- Intervention alerts that are generated by incidents not meeting the intended criteria will be closed without further action. This includes but is not limited to vehicle collisions where the employee was not at fault.

209.4 ORGANIZATION

EIS shall be under the direction of the Office of Professional Accountability (OPA).

209.5 CONFIDENTIALITY OF EIS INFORMATION

All EIS information shall be strictly confidential. Information, data, and copies of reports utilized to develop EIS recommendations shall be treated as part of an employee's performance review. Access to EIS data will be governed under the same policies and procedures outlined for an employee's personnel file and will not be subject to release except as provided by law. EIS data is to be shared only with an employee's supervisors, union representative, and others with a bona fide need to know (e.g., SPD Training Unit staff, subject matter experts, etc.). Any unauthorized release of EIS information may result in disciplinary action against the involved employee. The EIS System may result in an involved employee receiving additional training at the discretion of his/her supervisors, when applicable.

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209.6 INDICATORS AND THRESHOLDS

The Chief of Police or designee shall have the authority to establish EIS indicators and thresholds, which are subject to modification.

Indicators include the following:

A. Use of Force

B. Vehicle Collision/Legal Intervention

C. Vehicle Pursuit

D. Firearm Discharge

E. Citizen Complaints

F. Internal Complaints

Thresholds that cause an intervention to be generated include the following:

A. A total of four (4) use of force incidents within 12 months. Not to include canine applications.

B. A total of two (2) preventable vehicle collisions within 12 months.

C. A total of two (2) legal interventions within 12 months.

D. A total of three (3) vehicle pursuits within 12 months.

E. A total of two (2) firearm discharges within 12 months.

F. A total of three (3) citizen complaints within 12 months.

G. A total of two (2) internal complaints within 12 months.

Supervisory alerts are also generated for groups of employees working in the same unit. Thresholds that cause an intervention to be generated include the following:

A. A total of twelve (12) use of force incidents within 12 months. Not to include canine applications.

B. A total of six (6) preventable vehicle collisions within 12 months.

C. A total of six (6) legal interventions within 12 months.

D. A total of eight (8) vehicle pursuits within 12 months.

E. A total of four (4) firearm discharges within 12 months.

F. A total of eight (8) citizen complaints within 12 months.

G. A total of four (4) internal complaints within 12 months.

209.7 IDENTIFICATION, REVIEW AND INTERVENTION PROCESS

When an employee reaches the established threshold for an intervention, the EIS system will automatically send a notification to the Office of Professional Accountability. The OPA shall review the threshold reached and any reports relating to the incidents that generated the alert. The Office of Professional Accountability shall review these incidents for possible incidents that do not meet

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the EIS criteria and close the alert if required. The OPA shall notify the identified employee's immediate supervisor of the alert and shall ensure the alert is being forwarded to the appropriate subject matter expert. The OPA shall send the alert and associated reports to the appropriate training cadre for the type of threshold.

Collision/Pursuit Review Board

Use of Force Review Board

Firearm Discharge-Range Master

The appropriate department experts will review the alert and determine if the involved incidents require an intervention or are a false alert. If an intervention is required the alert and reports shall be forwarded by the department experts to the involved employee's supervisor. Citizen and Internal Complaint alerts shall be routed directly to the employee's supervisor.

If the department experts determine the alert is false, they will return the alert and incidents to the OPA for closure.

For alerts requiring intervention, the supervisor shall conduct a thorough review of all incidents and related policy and complete the following.

The employee's supervisor shall notify the employee of the alert. A mandatory intervention meeting shall be scheduled between the employee's supervisor and employee as soon as practicable. The employee may bring a union representative to the intervention meeting. The employee shall have the opportunity to review the alert and ask questions about the process or incidents that generated the alert. The intervention meeting may include discussion about policy review, training, equipment, supervision, mentoring, and referrals to other resources.

A summary of the EIS meeting shall be documented in the employee's next performance evaluation under the category of training. When additional training or equipment needs are identified, the supervisor will coordinate with appropriate department trainers such as Firearms Instructors, Emergency Vehicle Operations Course (EVOC) instructors, Field Training Officers, Defensive Tactics Instructors, etc. to facilitate any additional training.

209.7.1 FACTORS FOR EIS REVIEW

At the time of the EIS review, supervisors will also consider other factors which include, but are not limited to:

A. Officer commendations

B. Awards

C. Personnel annual reviews

D. Disciplinary records

E. Civil or administrative suits

F. Training records, including missed training

Civil Suit Notification:

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The City Attorney's Office shall notify the Internal Affairs Lieutenant of all lawsuits filed against members concerning activities associated with their employment with the Spokane Police Department. Internal Affairs shall notify the appropriate Captain or equivalent command staff member. If necessary, the Captain may meet with the City Attorney's Office for a briefing and disseminate relevant information to the member's chain of command.

Training Notification:

Prior to an EIS intervention meeting, the Training Unit shall provide training records to the employee's supervisor, upon request. Additionally, the Training Unit shall notify an employee's supervisor of any missed training throughout the year (i.e., in-service).

209.8 SUPERVISOR EIS RESPONSIBILITIES

(a) Conduct a thorough review of all incidents and related policy.

(b) Notify the employee of the alert.

(c) Conduct the intervention meeting, if applicable.

(d) If appropriate, coordinate with appropriate department trainers such as Firearms Instructors, Emergency Vehicle Operations Course (EVOC) instructors, Field Training Officers, Defensive Tactics Instructors, etc. to facilitate any additional training.

(e) Upon the completion of all EIS interventions, forward the EIS Completion Form to the Office of Professional Accountability for review and inclusion in the EIS file.

(f) Document the summary of the EIS meeting in the employee's next performance evaluation under the category of training.

209.9 OFFICE OF PROFESSIONAL ACCOUNTABILITY EIS RESPONSIBILITIES

(a) Monitor the EIS and record all alerts generated by the system.

(b) Review indicators and thresholds for incidents that do not meet EIS criteria.

(c) Make proper notifications of alerts.

(d) Provide the Office of the Chief with an Annual Report to include statistical data and performance review of the EIS.

(e) Evaluate the effectiveness and make recommendations for adjustments to indicators and thresholds on a bi-annual basis.

209.10 EIS STATUS

All commissioned employees and their supervisors may receive their current indicator status within the EIS at any time by contacting the Office of Professional Accountability.

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Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF EMAIL

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

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

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

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

(a) The use causes no additional cost to the City of Spokane.

(b) The equipment being utilized to access the Internet shall be that which is normally utilized by the employee, and there shall be no disruption/disturbance to another employee's work area.

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(c) Time spent processing personal email does not negatively impact the employee's ability to do his/her job.

(d) Use of the equipment does not disrupt other city functions.

(e) Does not violate any other city policy.

212.4 MANAGEMENT OF EMAIL

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

Email messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail messages should be managed by their category in compliance with the current Records Management Guidelines and General Records Retention Schedules.

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Administrative Communications

214.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

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

214.3 CORRESPONDENCE

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

214.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or designee.

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

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

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Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 SUPERVISION DEPLOYMENTS

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

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Concealed Pistol License

218.1 PURPOSE AND SCOPE

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

218.1.1 APPLICATION OF POLICY

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

218.2 QUALIFIED APPLICANTS

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

218.3 APPLICATION PROCESS AND RENEWAL

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

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

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

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 Washington State Patrol (RCW 9.41.070 (4)).

218.3.1 REQUIRED WARNINGS

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

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

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

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218.3.2 DOCUMENTATION AND FEES

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

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

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

Payment shall be by cash, check, or money order at the option of the applicant. Credit and debit card payments will also be accepted and charged an administrative fee.

218.4 LICENSE RENEWAL

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

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

218.5 TEMPORARY EMERGENCY LICENSE

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

218.6 REVOCATION OF LICENSES

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

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

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

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

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

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

218.6.1 INELIGIBILITY

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police 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)).

218.6.2 FIREARM FORFEITURE

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

218.7 SUSPENSION OF LICENSES

The Chief of Police shall suspend any license issued pursuant to this policy immediately upon notice from the Department of Licensing that the person has been detained under RCW 71.05.150 or RCW 71.05.153 on the grounds that the person presents a likelihood of serious harm due to a 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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218.8 RECIPROCITY

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

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

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

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

218.9 RESIDENCY

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

218.10 CONFIDENTIAL RECORDS

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

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Retired Officer Firearms Certificate

220.1 PURPOSE AND SCOPE

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

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

220.2 QUALIFIED RETIREES UNDER RCW 9.41.060

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

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

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

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

220.3 QUALIFIED RETIREES UNDER 18 USC § 926 C

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

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

220.3.1 AUTHORIZATION

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

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

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

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

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

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

220.4 WASHINGTON IDENTIFICATION CARD

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

(a) Has retired from this department.

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

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

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

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

220.5 FORMER OFFICER RESPONSIBILITIES

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

220.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

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

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

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

220.6 FIREARM QUALIFICATIONS

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

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

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Chapter 3 - General Operations

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De-Escalation

300.1 PURPOSE AND SCOPE

This policy provides the Spokane Police Department's core principles relating to the use of de-escalation tactics. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The Department is committed to accomplishing this mission with respect and a minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, when circumstances permit. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and avoid the application of unnecessary force. When safe and reasonable under the totality of the circumstances, and time and circumstances permit, officers shall use de-escalation tactics in an effort to reduce the need for force or to minimize the level of force needed.

300.2 DEFINITION

De-escalation - De-escalation tactics and techniques are actions used by officers, when safe to do so, that seek to minimize the likelihood of the need to use force or reduce the level of necessary force during an incident and increase the likelihood of voluntary compliance. Mitigating the immediacy of a threat gives officers time to utilize extra resources and increases time available to call more officers or specialty units.

300.3 DE-ESCALATION

When encountering a non-compliant subject, officers shall, when safe and feasible, use de-escalation tactics in an effort to reduce the need for, or degree of, force necessary to safely resolve a situation. It is recognized that every situation is unique and fact-specific; not all tactics are appropriate in every circumstance. It is not required that officers use every technique below during every incident. The over-arching objective of de-escalation is to make a situation less dangerous for the public, the officers, and the subject involved. The subject’s actions, type of weapon(s), presence of hostages, and overall risk to the general public and the involved officers will be important considerations in determining which tactics are appropriate in a particular scenario.

A. Whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply such as:
    1. Mental impairment
    2. Developmental disability
    3. Physical limitation
    4. Language barrier
B. The following are considered de-escalation tactics:
    1. Allow subjects the opportunity to submit to arrest before force is used.

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2. Attempt to isolate and contain the subject. When it is safe and reasonable to do so, officers should make advantageous use of:
   (a) Positioning, distance, concealment and cover by isolating and containing a subject.
   (b) Continuously evaluating the officer's positioning, subject's actions, and available force options.
   (c) Placing barriers between an uncooperative subject and an officer.
3. Create time and distance from the subject by creating a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force:
   (a) When it is safe and reasonable to do so, officers should use time as a tactic.
   (b) In order to use time as a tactic, a zone of safety should be established for the security of responding members and the public.
   (c) Using time as a tactic may:
      1. Permit the de-escalation of the subject's behavior and create a window of opportunity to use a lower level of force to resolve the situation.
      2. Allow for continued communication with the subject and the adjustment of the verbal control techniques employed by the members.
4. Request the arrival of specialty units / additional resources, such as the Crisis Intervention Team (CIT) trained officers, Crisis/Hostage Negotiation Team, or extended range impact weapons.
5. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.
6. Communication from a safe position intended to gain the subject's compliance using:
   (a) Verbal persuasion
   (b) Advisements
   (c) Warnings
7. Avoidance of physical confrontation, unless necessary.
8. Designate an officer to establish rapport and engage in communication and apply verbal techniques with the subject.
9. Tactically reposition, if safe to do so, as often as reasonably necessary to maintain a reactionary gap.
10. Continue de-escalation techniques as reasonably necessary to resolve the incident.

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(a) An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall be balanced against the facts of the incident.

11. Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

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Use of Force

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of force. Police officers have been delegated the responsibility to protect life and property and to apprehend criminal offenders. The Department is committed to accomplishing this mission with respect and a minimal reliance on the use of force, and by using, whenever possible, rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force.

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

301.2 DEFINITIONS

Definitions related to this policy include:

A. **Active Resistance** – Use of physical force or mechanical resistance in achieving and/or maintaining noncompliance.

B. **Assaultive** - Noncompliance perceived as, or resulting in, an actual assault on a subject or officer. The scope and severity of the attack would likely not result in serious bodily injury or death.

C. **Aggravated Assaultive/Life Threatening** - Noncompliance perceived as, or resulting in, an actual assault on a subject or officer. The scope and severity of the attack would likely result in serious bodily injury or death.

D. **Compliant** - Cooperative response to lawful commands.

E. **Control Devices** - Includes TASER, baton, oleoresin capsicum (OC), 2-Chlorobenzalmalononitrile (CS), and mechanical restraints.

F. **Control Techniques** - Includes lateral neck restraint (LNR), personal impact weapons, counter joint, and take downs.

G. **De-escalation** - De-escalation tactics and techniques, including time, distance and cover, are actions used by officers, when safe to do so, that seek to minimize the likelihood of the need to use force or reduce the level of necessary force during an incident and increase the likelihood of voluntary compliance. Mitigating the immediacy of a threat gives officers opportunities to utilize extra resources and increases time available to call more officers or specialty units.

H. **Environmental Factors** - Includes lighting, weather conditions, physical obstructions, and other physical conditions that impact the officer's and/or the suspect's ability to see, hear, etc. This also includes the proximity to bystanders who may be injured and the presence of persons likely to interfere.

I. **Feasible** - Capable of being done or carried out to successfully achieve the arrest or lawful objective without increasing risk to the safety of the officer or another person.

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J. **Force** - Physical actions used to effect, influence, or persuade a subject to comply with an officer.

1. **Inappropriate Force** - Force that is not reasonable and/or necessary under the totality of the circumstances.
2. **Deadly Force** - Means the intentional application of force through the use of firearms or any other means reasonably likely to cause serious physical injury or death.
3. **Reportable Force** – All use of force by an officer outside of handcuffing or wrist locks/joint control techniques shall be thoroughly documented in a report. If the incident does not require a report, the interaction may be documented in CAD.
4. **Reviewable Force** – A use of force incident that requires a Use of Force Report in BlueTeam. (See 301.13.1)

K. **Fourth Amendment Interest** - A person's Fourth Amendment right to be free from objectively unreasonable force. The use of force to effect an arrest is subject to the Fourth Amendment's prohibition on unreasonable seizures.

L. **Governmental Interests** - The need to use force because of facts and circumstances that present the "Graham factors."

M. **Graham Factors** – The non-exhaustive list of factors for determining when an officer's use of force is objectively unreasonable, including (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether he is actively resisting arrest or attempting to evade arrest by flight.

N. **Imminent** - The reasonable perception that something is impending or about to occur.

O. **Intentional Pointing of a Firearm** - When the officer is intentionally "pointed in" at a subject with their firearm.

P. **Less Lethal Device** - A device designed and intended to apply force that is not likely to cause the death of a subject, including chemical agents, CEWs, impact/pain compliance devices, less lethal shotguns, forty (40) mm launchers and projectiles, and pepper ball systems.

Q. **Nature and Quality of the Intrusion** - The type and degree of force used.

R. **Passive Resistance** – Noncompliance to lawful authority without physical resistance or mechanical enhancement.

S. **Totality of the Circumstances** – Additional factors that may make the use of force appropriate in a particular case, whether or not they are among the core three Graham factors.

301.3 ALL FORCE MUST BE OBJECTIVELY REASONABLE

All force used by officers must be objectively reasonable in light of facts and circumstances confronting them. Determining whether force is reasonable under Fourth Amendment requires carefully balancing the nature and quality of the intrusion on an individual's Fourth Amendment

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interest against the countervailing governmental interests at stake. Reasonable force requires careful attention to the facts and circumstances of each particular case, including the following Graham Factors:

- The severity of the crime at issue;
- Whether the suspect poses an immediate threat to the safety of the officers or others; and
- Whether he is actively resisting arrest or attempting to evade arrest by flight.

Reasonable force is also determined by “the totality of the circumstances,” including specific factors that may be appropriate in a particular case, whether or not they are among the three Graham Factors.

The Graham Factors govern the use of force, even in situations that do not involve a crime. Prior to using force, officers must consider whether the subject poses an immediate threat to the safety of the officers or others.

The Department recognizes that officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving concerning the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances, and not with the benefit of 20/20 hindsight.

301.4 WHEN USE OF FORCE IS AUTHORIZED

Officers shall only use force based on the totality of the circumstances, urgency of the situation, actions, and level of resistance offered by a subject when no reasonably effective alternative appears to exist when trying to achieve a law-enforcement objective. The force used must comply with federal, state law, and Spokane Police Department policies, training, and rules for specific instruments and devices. Officers utilizing force should consider, if feasible, the following:

- If the person has been given a verbal warning.
- The likelihood the tactic, technique, or device being employed will be effective under the circumstances.
- The potential level of injury that may occur upon deployed force.
- If the person can comply with directions or orders.
- If the person has been given sufficient opportunity to comply.

Officers should use physical force only to perform their duties under the law or restore order, when the exercise of persuasion, advice, and warning is found to be insufficient, or not feasible, to achieve police objectives and to use only the amount of force that is objectively reasonable. When force is necessary, it should be delivered timely and adequately, ceasing the danger and protecting the community and officers.

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

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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 exceptional technique must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

301.5 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force, and in evaluating the Graham Factors regarding the reasonableness of force, officers should consider the following:

A. Perception of the known and potential threat considerations to the public, the officer(s) and subject involved.

   1. The nature of the encounter
   2. The conduct of the subject being confronted, as reasonably perceived by the officer at the time.
   3. Age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. suspects.
   4. Whether a person is unresponsive and the reasons, if known, for that unresponsiveness.
   5. Potential for injury to officers, suspects and others.
   6. Training and experience of the officer.
   7. Proximity of potential weapons or dangerous improvised devices.
   8. Availability of cover officers.
   9. Prior contacts with the subject or awareness of any propensity for violence.
   10. Any other exigent circumstances.

B. The level of resistance and/or attempts to flee demonstrated by the subject.

   1. The risk and reasonably foreseeable consequences of escape.
   2. The degree to which the subject has been effectively restrained and the subject's ability to resist despite being restrained.
   3. The apparent need for immediate control of the subject or a prompt resolution of the situation.
   4. The availability of other options and their possible effectiveness.
   5. Time available and split-second decision-making required under the circumstances.
   6. Environmental factors.
   7. Suspect's response to de-escalation efforts.

C. The severity of the crime and/or community caretaking function.

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301.6 ADDITIONAL FACTORS TO BE CONSIDERED WHEN USING FORCE

Officers should be mindful of individuals with apparent physical or mental disabilities and those with apparent limited English proficiency before using force. Officers should also exercise caution before using force against young children, elderly persons and pregnant women. Officers should not expose themselves to unreasonable danger, however, and must evaluate the facts and circumstances with which they are presented.

301.7 FOURTH AMENDMENT INTERESTS

The value of human life is immeasurable, and people have a protected interest in their life and personal safety. It is therefore the policy of the Spokane Police Department to prioritize the sanctity of human life. The Fourth Amendment of the U.S. Constitution guarantees individuals the right to be free from excessive or objectively unreasonable force. Officers must therefore carefully balance the type and degree of force used against the need to use force.

A. Officers shall make protecting and preserving human life their primary objective.

B. Officers shall exhibit respect and professionalism even when force is necessary.

C. Officers shall use de-escalation tactics whenever safe and reasonable.

D. Offer aid to those affected by a use of force whenever reasonably safe to do so.

301.8 ASSESSING LEVEL OF FORCE

Officers shall continually assess situations to determine if de-escalation is feasible and if force is necessary. Officers will continually reassess their force in relation to the amount of continued resistance offered by the subject and adjust their level of force appropriately.

301.9 WHEN USE OF FORCE IS PROHIBITED

The use of excessive force or unwarranted physical force is prohibited.

301.10 DUTY TO INTERCEDE/ETHICAL INTERVENTION

Every officer is obligated to ensure compliance by themselves and other officers with Department regulations, policies and the law. Any officer present and observing another officer using force they know or have reason to know is clearly beyond what is objectively reasonable under the circumstances shall, when in a safe position to do so, intercede to prevent the use of unreasonable force. The officer shall promptly report these observations and the efforts made to intervene to a supervisor. If the observing officer is a supervisor, he or she will issue a direct order to stop the violation.

301.11 DEADLY FORCE

It is the policy of this Department to use deadly force only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers against an imminent threat of death or prevent serious bodily injury to the officer or another person. The use of force is the most serious decision an officer may ever make.

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A. When Deadly Force is Authorized

1. An officer may use deadly force to protect themselves or others from what the officer reasonably believes would be an imminent threat of serious bodily injury or death.

2. 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 imminent risk of serious bodily injury or death to themselves or 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.

B. Verbal Warning - If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm or using other deadly force. An officer shall:

1. Identify himself/herself as an officer and advise the person they are under arrest if applicable;

2. Give the command(s) to be followed;

3. Afford the person a reasonable opportunity to comply with the officer's command(s); and

4. State the intention to shoot or otherwise use lethal force if the person does not comply with the command(s).

C. Reasonable Care for the Public. To the extent feasible, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of the public or other officers.

D. When Use of Deadly Force is Prohibited:

1. As a warning;

2. At a person who poses a danger only to him or herself;

3. Solely in defense or protection of property;

4. Firing at or into a moving vehicle when the vehicle is the only threat to the officer or public and when deadly force is not reasonably necessary to prevent death or serious bodily harm to the officer or another person. Officers will make every effort to move and stay out of the path of a moving motor vehicle or a vehicle capable of becoming mobile.

301.12 MEDICAL CONSIDERATION

A. Medical assistance shall be provided to any person who requests it, who is rendered unconscious, exhibits signs of physical distress, or who claims an injury (with the exception of minor marks on the wrist consistent with being handcuffed and/or minor marks or abrasions to portions of the body consistent with prone handcuffing or a takedown technique). Any subject exhibiting signs of physical distress after

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an encounter should be continuously monitored until the subject can be medically assessed.

B. 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. Any refusal of medical attention shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a BWC recording is made of the contact or an interview with the subject, any refusal should be included in the recording if possible. Any subject who has been rendered unconscious by a Lateral Neck Restraint will be examined and/or treated at a medical facility prior to being booked into jail.

C. The on-scene supervisor, or if not available the primary handling officer, will make all reasonable attempts to provide information, as time allows, to assist medical care providers. This notification should 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).

D. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and who appear impervious to pain (sometimes called Excited-Agitated Delirium), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden in-custody death (postmortem diagnosis of death: Excited Delirium). Calls involving these persons should be considered medical emergencies. Law enforcement personnel who reasonably suspect a medical emergency exists should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

E. When the scene is secure and it is safe to do so, officers should attempt to render medical first aid until medical response has arrived.

301.13 USE OF FORCE REPORTING

A. Unless otherwise provided in policy, all force used by an officer shall be promptly, completely and accurately documented. The officer shall articulate the factors which made the use of force objectively reasonable, based on the Use of Force Policy.

B. The officer shall also document attempts to gain compliance through de- escalation, verbal commands, force options and other tactics. 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.

C. Officers, including officers working extra duty assignments, shall promptly report circumstances of incidents involving a Use of Force, Attempted Force, Inappropriate Force or Inappropriate Attempted Force to a supervisor or command officer.

301.13.1 NOTIFICATION TO SUPERVISORS

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

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A. The application of force resulted in apparent injury to the subject or unconsciousness (with the exception of minor marks on the wrist consistent with being handcuffed and/or minor marks or abrasions to portions of the body consistent with prone handcuffing);

B. The subject claims an injury resulted from a use of force, even if no injury is visible (with the exception of minor marks on the wrist consistent with being handcuffed and/or minor marks or abrasions to portions of the body consistent with prone handcuffing);

C. All applications of a Lateral Neck Restraint (Level I and Level II) (see Policy 308);

D. All applications of a Conducted Energy Weapon (e.g. TASER™) (See Policy 308);

E. The intentional discharge of firearms (with the exception of training or recreation) (See Policy 312);

F. Intentional Pointing of a Firearm - When the officer is intentionally "pointed in" at a subject with their firearm. Maintaining tactical observation of a subject with magnified optics is a trained tactical advantage and should not be considered a use of force;

G. Any deployment of OC by means of spray or by means of physically or mechanically delivered techniques where a person is exposed to the chemical (See Policy 308);

H. Any deployment of CS by means of a spray or by means of physically or mechanically delivered techniques where a person is exposed to the substance (see Policy 308);

I. Any application of an impact weapon whether personal, issued or improvised, to a subject (See Policy 308);

J. Canine deployment per Policy 318; and

K. When a subject alleges any of the above has occurred.

301.14 CHAIN OF COMMAND REVIEW OF USE OF FORCE

301.14.1 SUPERVISOR REPORTING

When a supervisor becomes aware of an incident in which there has been a reviewable application of force, the supervisor shall complete a Use of Force Report. In the event a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still required to complete a Use of Force Report. Use of Force reports are required under the circumstances described in Section 301.13.1 Notification to Supervisors.

301.14.2 INVESTIGATION, DOCUMENTATION AND NOTIFICATION

When completing a Use of Force Report the supervisor shall take the necessary steps to conduct a thorough investigation. The supervisor shall:

A. Respond to the scene, when possible.

B. Review all documentation of the incident and make every reasonable effort to contact all involved officers.

C. Ensure identification of witnesses and other involved parties. When possible conduct civilian interviews of those subjects, including the subject to whom the force was applied.

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D. Ensure the collection of any appropriate evidence when applicable.

E. Ensure photographs are taken of all injuries and relevant items such as dirt stains on uniforms, tears in clothing, damage to equipment, etc. Photos should also be taken when appropriate to document the lack of injury.

F. In the event that the supervisor believes that the incident may give rise to potential civil litigation, the supervisor shall notify the DSO or appropriate command staff member during normal business hours.

G. Attach all incident reports, the CAD incident history, Conducted Energy Weapon downloads, and a link to all officer-worn videos in Evidence.com.

H. Enter force options used by any officer who used reviewable force. List other officers present as witness officers.

I. Provide a brief summary of the incident in BlueTeam and attach a Use of Force Additional form with all other information.

J. Provide a brief comment stating whether the use of force was within policy and any possible training issues, unless the involved officer is of an equal or superior rank. If more detailed analysis is needed, include it in the Use of Force Additional report.

K. Forward the Use of Force Report to 'Internal Affairs Group' in BlueTeam.

Internal Affairs will attach all photographs and recordings of radio traffic to the report. A member of Internal Affairs will verify that all relevant materials were attached to the case and forward it to the next person in the supervisor's chain of command for review.

301.14.3 REFERRAL TO INTERNAL AFFAIRS

The supervisor shall complete a Use of Force Report through BlueTeam. The supervisor shall forward the Use of Force Report through BlueTeam to the Internal Affairs Group and copy each member of the chain of command to include the appropriate Major.

If upon review of an application of force by an officer(s), the supervisor believes that the application of force could rise to the level of misconduct, or the supervisor sees conduct that could rise to the level of misconduct, the supervisor shall initiate an internal affairs complaint in BlueTeam. If the subject of the use of force makes a complaint about the use of force or demeanor of the officer(s) involved in the incident, an Internal Affairs Complaint will be generated in BlueTeam. The supervisor shall forward the Internal Affairs Complaint and the Use of Force report through BlueTeam to the Internal Affairs Group and copy each member of the chain of command to include the Chief of Police in the routing.

Upon initiating an Internal Affairs Complaint for the reasons above, the DSO will be promptly notified through the Chain of Command.

301.14.4 INTERNAL AFFAIRS RESPONSIBILITY – DEADLY FORCE

Internal Affairs shall complete the BlueTeam Use of Force Report for any incident involving deadly force. (See also Policy 310).

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Use of Force and Deadly Force Administrative Review

302.1 POLICY

This policy establishes a process for the Spokane Police Department to provide an administrative review of incidents involving use of force and deadly force by its employees. The department shall utilize two boards to conduct reviews, the Use of Force Review Board (UOFRB) and the Deadly Force Review Board (DFRB). The Use of Force Review Board (UOFRB) is designated to review applications of non-deadly force. The Deadly Force Review Board (DFRB) will review applications of deadly force, whether injury or death occurs. A DFRB shall be convened when a commissioned member of the Spokane Police Department used deadly force while on-duty or off-duty either in an official capacity or while performing a legitimate law enforcement purpose; and/or in the instance where an in-custody death occurred and the Medical Examiner's Office determined the manner of death to be a homicide. In instances where the Medical Examiner's Office determines the manner of death to be other than a homicide (e.g., accidental), the in-custody deaths are investigated in accordance with the Fatal Incident Protocol but a DFRB is not convened.

302.2 USE OF FORCE REVIEW BOARD PURPOSE AND SCOPE

Use of force incidents are investigated and reviewed by the involved officer's chain of command. The Assistant Chief, or his or her designee, makes the final determination if the officer's actions were within policy. After the final determination, the incident is evaluated and debriefed by the UOFRB to evaluate training, equipment needs, and policy and standard operating procedures (SOPs) in place or practiced department-wide. The UOFRB will not be utilized to recommend discipline or conduct investigations in unresolved use of force incidents.

Every incident involving a Level II Lateral Neck Restraint will be debriefed individually at the UOFRB meetings.

A review and analysis of all use of force incidents will be conducted each year and presented to the Chief of Police. This analysis will include trends, policies, personnel issues, and training issues identified in the review process.

302.3 UOFRB PROCESS

After a use of force incident receives a final determination, the Office of Professional Accountability will forward the use of force report to the members of the UOFRB for review. The UOFRB will convene once per month.

The Training Director will serve as the UOFRB Chairperson. The Chairperson will determine the members of the UOFRB. Members may include, but not be limited to the following:

A. Training Unit members

B. Defensive Tactics instructors

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C. Department subject matter experts in the applicable fields of applied force, verbal de-escalation, patrol procedures, Office of Professional Accountability, and other related needs.

302.4 UOFRB REVIEW

While reviewing use of force incidents, the UOFRB will consider the totality of the circumstances which may include the following:

A. Officers involved and their current assignments during use of force incidents

B. The training, experience and ability of the involved officers

C. The physical ability and potential impairment of the subject

D. Incident threat factors

E. Level of resistance by the subject

F. Any attempt by the subject to evade detention by flight

G. Severity of the crime or community caretaking situation

H. Tense, uncertain, rapidly evolving situations

I. Split-second decision making

J. Involved weapons and proximity to potential weapons

K. Environmental considerations

L. The time of day that incidents took place and geographic locations of incidents

M. The considered and/or chosen tactics of the involved officers and the results of the considered and/or chosen tactics

N. Injuries to officers and/or involved subjects

O. Number of officers and subjects present during the incident

P. Availability of other force options during the incident, etc.

Q. Prior knowledge and/or contacts with the subject

R. Quality of supervision

S. Early Intervention System (EIS) alerts

T. Training considerations

U. Police radio considerations

V. Tactical considerations

W. Patrol procedures considerations

X. Equipment considerations

Y. Documentation considerations

Z. Policy considerations

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AA. Other relevant observations and recommendations

302.5 UOFRB OUTCOMES

The recommendations of the UOFRB, if any, will be compiled and reported through the chain of command by the UOFRB Chairperson, the Training Director. The Training Director will coordinate any approved training recommendations for individual officers recommended by the UOFRB for implementation. The Training Director will be responsible for coordinating departmental recommendations, such as those involving in-service training. The Office of Professional Accountability will document any recommendations and action taken involving individual officers.

The recommendations resulting from the UOFRB will be submitted in a monthly report to the Chief of Police following each meeting. The Training Director will provide a copy of the report to the Office of Police Accountability for further distribution.

302.6 DEADLY FORCE REVIEW BOARD PURPOSE AND SCOPE

The DFRB is empowered to conduct an administrative review of an incident to make recommendations in such areas as tactics, training, supervision, equipment, and other relevant considerations. The DFRB's scope of review will include the totality of circumstances of the incident. While the DFRB examines the involved officers' actions, its purpose is to provide the department an overall review of the incident. It is not an investigation; the DFRB is the final review process of the already-adjudicated deadly force incident, taking place after any review or investigation that may be conducted by an outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force. The DFRB occurs after the departmental internal administrative review is completed. The DFRB does not have the authority to recommend discipline for individual officers, as it takes place after the Administrative Review Panel's recommendations and the Chief of Police's findings and determinations.

302.7 DFRB PROCESS

It will be the responsibility of the Office of Professional Accountability to notify the Chief of Police or designee of any incidents requiring DFRB review. After the Chief of Police issues a finding, the Chief will designate a Chairperson to lead the DFRB. The Chairperson should convene the DFRB within a reasonable amount of time, not to exceed 90 days, of the Chief's finding on the Administrative Review Panel's recommendation. The Chairperson shall also ensure that all relevant reports, documents, and materials are available for consideration and review by the DFRB.

The Chairperson will determine the members for the DFRB. Members should include, but not be limited to the following:

A. City Attorney's Office to provide risk management services

B. Executive staff members to provide comment

C. The Training Lieutenant to report on training concerns and to provide comment

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D. A peer officer to represent the involved officer's concerns and provide comment

E. Representative of the Office of Professional Accountability to provide comment

F. The Police Ombudsman to ensure the process is timely, fair, and thorough and to provide comment

G. A member of the involved officer(s)' bargaining unit to comment on contractual issues

H. Departmental subject matter experts, as determined by the Chairperson, (e.g., firearms, Emergency Vehicle Operations), to provide comment

I. Department supervisors, as determined by the Chairperson, to provide comment

J. A member of the Peer Assistance Team to provide comment

302.8 INCIDENT PRESENTATION AND REVIEW

A Major Crimes investigator serving on the multi-agency Spokane Regional Investigative Response (SIRR) Team will present the incident to the DFRB members.

The presentation should include, but is not limited to, the following factors:

A. Case summary

B. Satellite view of the scene

C. Timeline of incident

D. Critical decision points

E. Audio and video files associated with the incident, including radio traffic, 911 calls, and Mobile Audio Video recordings

F. Crime scene photographs/video

G. Injuries and/or fatalities associated with the incident

H. Relevant forensics

I. Officer and witness statements

The DFRB will review the incident and make recommendations as needed in the following areas:

A. Risk management considerations

B. Training considerations

C. Policy considerations, including use of force and deadly force policy

D. Tactical considerations and decision making

E. Use of cover and concealment

F. Verbal communication with subjects

G. Tactical and verbal de-escalation

H. Officer coordination

I. Use of force options

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J. Availability of other options

K. Equipment performance and considerations

L. Radio considerations

M. Quality of supervision

N. Incident management

O. Crime scene investigation

302.9 DFRB OUTCOMES

After the DFRB has concluded, the Chairperson will document all recommendations from DFRB members and include them in a written report. The Chairperson will then submit the written report to the Chief of Police. After review by the Chief of Police, a copy of the report will be forwarded to the Office of Professional Accountability.

The Chairperson is responsible for coordinating the progress and documenting outcomes of all recommendations and action items from the DFRB. Within six months of the DFRB's conclusion, the Chairperson will provide documentation to the Office of Professional Accountability. Any recommendation that is not completed within the six-month timeframe becomes the responsibility of the Office of Professional Accountability. At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Office of Professional Accountability.

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Control Techniques and Devices

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 CONTROL TECHNIQUES

308.3.1 APPLICATION OF CONTROL TECHNIQUES

Officers may only use those control techniques for which they have successfully completed department-approved training. Officers utilizing any control technique should consider:

A. The degree to which the application of the technique may be controlled given the level of resistance.

B. Whether the person can comply with the direction or orders of the officer.

C. Whether the person has been given sufficient opportunity to comply.

“Control techniques” refers to all listed techniques described in the Spokane Police Department Defensive Tactics Manual. Those not listed or modified variations of listed techniques shall be deemed as exceptional techniques.

308.3.2 LATERAL NECK RESTRAINT (LNR)

The proper application of a Level I or a Level II LNR hold may be effective in restraining an individual. The use of the neck restraint hold is subject to the following:

A. The officer shall complete mandatory department-approved initial and refresher training in the use and application of the neck restraint.

B. The neck restraint may only be used as outlined in the Defensive Tactics Manual.

C. Any individual who has had either a Level I or Level II LNR hold applied and 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.

D. Prior to releasing the subject to either medical staff or correctional staff, the officer shall advise staff if the subject has been rendered unconscious.

E. Any officer attempting or applying the neck restraint control hold shall promptly notify a supervisor of the use of such hold.

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F. The use of the neck restraint control hold shall be thoroughly documented by the officer in any related reports. Such documentation shall be reviewed by a supervisor for policy compliance. The supervisor shall complete a Use of Force Report and forward it through the proper chain of command for review and evaluation. Every incident involving a Level II Lateral Neck Restraint will be debriefed individually at a Use of Force Review Board Meeting. See Policy 300.

308.4 USE OF RESTRAINT DEVICES

The Spokane Police Department authorizes the use of restraint devices in accordance with this policy and department training.

Only members who have successfully completed Spokane 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:

A. The circumstances or crime leading to the arrest.

B. The demeanor and behavior of the arrested person.

C. The age and health of the person, pregnancy, and any apparent disability.

Modification of applied restraints may be utilized.

308.4.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

308.4.2 RESTRAINT OF PREGNANT PERSON

Females who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No one who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (RCW 70.48.500).

308.4.3 RESTRAINT NOTIFICATIONS

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

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308.4.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

The Spokane Police Department authorizes the use of Handcuffs or Plastic "Flex" Cuffs in accordance with this policy and department training.

Only members who have successfully completed Spokane Police Department-approved training on the use of handcuffs or plastic "flex" cuffs described in this policy are authorized to use these devices.

Officers will generally handcuff all arrested subjects. However, there are some arrest circumstances where handcuffing techniques should be modified or not applied. These situations may arise due to the subject’s age, disability, medical conditions (e.g. pregnancy), or other circumstances. If officers choose to modify or forego handcuffing, they must document the circumstances leading to the decision.

Officers may choose to utilize handcuffing techniques during circumstances where enhanced control is warranted but have yet to make an arrest, if at all.

308.4.5 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.

308.4.6 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it reasonably appears necessary 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 suspect.

B. Whether it is reasonably necessary to protect the suspect from the suspect’s own actions (e.g., hitting head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

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

308.4.7 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.

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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 not be placed on their stomach for an extended period.

D. The restrained person should be continually monitored by an officer while in the leg restraint.

E. When transported by ambulance/paramedic unit, 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

308.4.8 TRANSPORTING LEG RESTRAINED SUSPECTS

When transporting a suspect(s) who has been restrained, officers shall observe the guidelines as specified in the Spokane Police Department Defensive Tactics Manual.

308.5 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

308.5.1 SHIFT COMMANDER RESPONSIBILITIES

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

308.5.2 TRAINING DIRECTOR RESPONSIBILITIES

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

308.5.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Director or designee for disposition.

Commissioned Officers operating in a patrol capacity shall carry a Conducted Energy Weapon (TASER™ device).

Commissioned Officers operating in a patrol capacity shall carry a minimum of one of the following two control devices:

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A. Baton

B. Oleoresin Capsicum (OC)

Commissioned Officers operating in a modified uniform capacity where there is a potential for detention, apprehension or control of a subject shall carry a Conducted Energy Weapon (TASER™ device).

Commissioned Officers operating in a modified uniform capacity where there is a potential for detention, apprehension or control of a subject shall carry a minimum of one of the following two control devices:

A. Baton

B. Oleoresin Capsicum (OC)

308.6 BATON GUIDELINES

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 physical injury or death to the officer or others.

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

308.7 SPECIAL IMPACT MUNITIONS GUIDELINES

This department is committed to reducing the potential for violent confrontations. Special impact munitions, when used properly, can be used in an attempt to de-escalate a potentially deadly situation.

308.7.1 SAFETY PROCEDURES

Shotguns specifically designated for use with special impact munitions will be specially marked in a manner that makes them readily identifiable as such. These shotguns are available to SWAT and TAC teams. Shotgun deployed impact munitions will not be used in a patrol response but in a specialty response only.

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

308.7.2 DEPLOYMENT AND USE

The 40mm exact impact “Blue Nose” munition is the only authorized impact munition for patrol deployment.

Only department-approved special impact munitions shall be carried and deployed. Only officers who have successfully completed department-approved training in the use of any special impact munitions are authorized to carry and use this device.

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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.

308.7.3 DEPLOYMENT CONSIDERATIONS
Before discharging special impact munitions, 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. The subject's physicals (age, pregnancy, weight, etc.)
G. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious physical injury or death to the officer or others.

308.8 CONDUCTED ENERGY WEAPONS

308.8.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of TASER™ devices.

308.8.2 POLICY
The TASER™ device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury.

308.8.3 ISSUANCE AND CARRYING TASER™ DEVICES
Only members who have successfully completed department-approved training may be issued the TASER™ device.

Officers shall only use the TASER™ device and cartridges that have been issued by the Department.

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

When carried while in uniform officers shall carry the TASER™ device in a department-approved holster on the weak-side opposite their duty firearm.

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A. Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER™ device.

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

C. Officers should not hold both a firearm and the TASER™ device at the same time.

308.8.4 APPLICATION OF THE TASER DEVICE

The TASER device may be used when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person who is demonstrating non-compliance perceived as assaultive.

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

308.8.5 VERBAL AND VISUAL WARNINGS

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

The 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.

308.8.6 SPECIAL DEPLOYMENT CONSIDERATIONS

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

A. Individuals who are known to be pregnant.

B. Elderly individuals or obvious juveniles.

C. Individuals with obviously low body mass.

D. Individuals who are handcuffed or otherwise restrained.

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).

308.8.7 MULTIPLE APPLICATIONS OF THE TASER™ DEVICE

Officers should apply the TASER™ device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Total exposure to the TASER™ device should not exceed 15 seconds. If exposure exceeds 15 seconds, the subject shall be transported to a medical facility for examination prior to booking.

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308.8.8 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER™ device discharges.The expended cartridge, along with both probes and wire, should be collected and submitted into evidence. Care should be taken to preserve the evidence.

The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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

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

308.8.10 MEDICAL TREATMENT
Qualified medical personnel (not to include SPD officer EMTs) should remove TASER™ device probes from a person's body. Used TASER™ device probes shall be treated as a sharps biohazard. Universal precautions should be taken. Refer to Policy 300 for medical considerations.

308.8.11 TRAINING
Personnel who are authorized to carry the TASER™ device shall be permitted to do so only after successfully completing the initial department-approved training by a certified instructor. Any personnel who have not carried the TASER™ device as a part of their assignment for a period of six months or more shall be recertified in accordance with TASER™ International certification guidelines by a department-approved TASER™ device instructor prior to again carrying or using the device.

The Training Lieutenant is responsible for ensuring that all members who carry TASER™ devices have received initial and annual proficiency training. Training shall be conducted in accordance with TASER™ International guidelines

308.9 OLEORESIN CAPSICUM (OC) GUIDELINES
Uniformed personnel carrying department issued OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized in accordance with the needs of their assignment or at the direction of their supervisor.

OC spray (to include foggers, mist or stream) and OC expulsion devices (T-16) may be used in compliance with department training guidelines when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person who is demonstrating non-compliance perceived as assaultive.

Active resistance or mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the OC to control an individual.

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308.9.1 OLEORISIN CAPSICUM (OC) MUNITIONS GUIDELINES
OC munitions to include pepper projectiles and launchable munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander or SWAT Commander may authorize the delivery and use of OC munitions, and only after evaluating all conditions known at the time and determining that such force appears objectively reasonable.

308.9.2 TREATMENT FOR OC SPRAY EXPOSURE
Decontamination efforts should take place as soon as practicable for persons who have been exposed to the use of OC. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

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

308.10 2-CHLOROBENZALMALONONITRILE (CS) GUIDELINES
Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander or SWAT Commander may authorize the delivery and use of chemical munitions, and only after evaluating all conditions known at the time and determining that such force appears objectively reasonable.

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Investigations of Officer Involved Shootings, Life Threatening Injury or Death Incidents

310.1 PURPOSE AND SCOPE

When a Spokane Police Officer becomes involved in an incident in which either the officer or another person sustains life threatening injuries or is killed as a result of the actions of a Spokane Police Officer, or where a death or life threatening injury occurs to a person in police custody, two different investigations will be conducted. The purpose of this policy is to establish policy and procedures for the investigation of an officer- involved shooting, life threatening injury or death incidents. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

310.2 INVESTIGATION RESPONSIBILITY

This department adheres to the Spokane Regional Investigative Response (SIRR) Officer Involved Critical Incident Protocol for investigating officer-involved shootings, life threatening injury or death incidents.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings, life threatening injury or death incidents involve separate investigations. The investigations will include:

A. A criminal investigation of the involved officer(s) conducted by an outside agency in accordance with the SIRR Protocol.

B. An administrative investigation conducted by the Spokane Police Department's Internal Affairs office to determine if there were any violations of department policy.

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

310.4 THE INVESTIGATION PROCESS

A. Officer Involved Shootings: The procedures for investigating an officer-involved shooting are contained within the SIRR Protocol and should be adhered to as guidelines in any case in which an officer is involved in a shooting. The SIRR Protocol clearly details the actions that should be taken by all participants who have a role in the process of the investigation, including media relations.

B. Life Threatening Injury or Death Incidents: The procedures for investigating life threatening injury or death incidents are contained within the SIRR Protocol and should be adhered to as guidelines. The SIRR Protocol clearly details the actions that should be taken by all participants who have a role in the process of the investigation, including media relations.

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310.5 INTERNAL AFFAIRS RESPONSE

A member of Spokane Police Department Internal Affairs Unit will respond to the scene for all officer involved shootings, life threatening injury or death incidents. It is the responsibility of the Internal Affairs investigator(s) to notify the Office of the Police Ombudsman of an Officer Involved Shooting.

Crime Scene Walk-through: Internal Affairs will attend the on-scene incident briefing which is contemporaneous to the incident when possible. Internal Affairs will also conduct a walk-through of the scene led by a SIRR team member. Internal Affairs will not accompany criminal investigators during a crime scene walk-through with an officer who was directly involved in an officer involved shooting, life threatening injury or death incident.

BlueTeam Entry: The Internal Affairs investigator will be assigned by the Internal Affairs Lieutenant and will complete a supervisory Use of Force Report in Blue Team.

Administrative Investigation: The administrative investigation shall commence after the prosecutor has delivered a finding regarding the criminal investigation or by direction of the Chief of Police.

Criminal investigators may disclose to Internal Affairs investigators any information discovered during their investigation.

310.6 POST INCIDENT BRIEFINGS

Within 72 hours, the assigned Major Crimes Unit investigator or designee will present Executive Staff with an overview of the facts of the investigation known at the time of the presentation.

Within 8-10 days, or after involved officer interviews have been conducted by the SIRR Team, the assigned Major Crimes investigator or designee will present Executive Staff with an updated overview of the facts of the investigation.

Prior to the investigation being submitted to the Prosecutor, the assigned Major Crimes investigator or designee will provide an updated overview of the facts of the investigation to Executive Staff.

(Additional briefings may be conducted at the request of the Chief.)

310.7 STATUS OF INVOLVED EMPLOYEES

Officer Involved Shootings

A. Involved employees will be placed on paid administrative leave for a minimum of three days. The period of the paid administrative leave will be determined by the Chief of Police taking into account the needs of the involved officer(s), recommendations of the department psychologist and whether further clarification is needed about the incident. Upon returning from administrative leave, the Chief of Police may reassign an employee to a restricted duty capacity.

Employees placed on administrative leave as a result of their involvement in an officer involved shooting may request an extension of administrative leave, which may be approved by the Chief of Police or Assistant Police Chief.

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The officer shall be available during the hours designated on their Administrative Leave form for official interviews and statements regarding the case. Officers placed on administrative leave pursuant to this policy are not required to stay home.

The involved officer's Captain will be responsible to communicate with the employee in regards to the on-going status and stages of the investigation.

1. Return to Duty:

   (a) The Peer Assistance Team Coordinator or designee will contact the immediate supervisor of the involved officer(s) and provide information about recognizing symptoms of PTSD. Supervisors can also contact the Employee Assistance Program Coordinator or the Police Psychologist for information. Supervisors are to report to their chain of command subsequent behaviors which may indicate ongoing emotional distress. The chain of command will determine whether the subsequent behaviors will be reported to the Police Psychologist.

   (b) Involved officers will attend at least one session with a department approved psychologist prior to returning to work in a full duty capacity. The Police Psychologist will schedule a session with the involved officer(s) within 48 business hours of the officer(s) being placed on administrative leave.

   (c) In addition, involved officers will attend a minimum of two subsequent sessions with a department approved psychologist, the second session will occur three months after the incident and the third session will occur six months after the incident. It is the responsibility of the assigned Peer Assistance Team member to ensure these sessions are scheduled and completed.

   (d) If the video is released in regards to the incident, it is highly recommended that the employee schedule another session with the psychologist at that time.

   (e) The Rangemaster will contact the officer on administrative leave and work with them to schedule them to qualify on their replacement handgun prior to returning to work in a full duty capacity.

2. Peer Assistance Team

   (a) Officers involved in an officer involved shooting are encouraged to contact their assigned PAT member if questions or concerns arise while on administrative leave or while under investigation.

Officer Involved Life Threatening Injury or Death Incident

A. Involved employees may be placed on paid administrative leave for a minimum of three days at the discretion of the Chief of Police or in his/her absence, the Assistant Police Chief. The period of the paid administrative leave will be determined by the Chief of Police taking into account the needs of the involved officer(s), recommendations of the department psychologist (if applicable) and whether further clarification is needed about the incident. Upon returning from administrative leave, the Chief of Police may reassign an employee to a restricted duty capacity.

Employees placed on administrative leave as a result of their involvement in an officer involved life threatening injury or death incident may request an extension of

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administrative leave, which may be approved by the Chief of Police or Assistant Police Chief.

The officer shall be available during the hours designated on their Administrative Leave form for official interviews and statements regarding the case.

The involved officer's Captain will be responsible to communicate with the employee in regards to the on-going status and stages of the investigation.

1. Return to Duty:

   (a) The Peer Assistance Team Coordinator or designee will contact the immediate supervisor of the involved officer(s) and provide information about recognizing symptoms of PTSD. Supervisors can also contact the Employee Assistance Program Coordinator or the Police Psychologist for information. Supervisors are to report to their chain of command subsequent behaviors which may indicate ongoing emotional distress. The chain of command will determine whether the subsequent behaviors will be reported to the Police Psychologist.

   (b) The Chief of Police or Assistant Police Chief in his/her absence, may require the involved officers to attend at least one session with a department approved psychologist prior to returning to work in a full duty capacity. The Police Psychologist will schedule a session with the involved officer(s) within 48 business hours of the officer(s) being placed on administrative leave.

   (c) In addition, involved officers may be required to attend a minimum of two subsequent sessions with a department approved psychologist, the second session will occur three months after the incident and the third session will occur six months after the incident. It is the responsibility of the assigned Peer Assistance Team member to ensure these sessions are scheduled and completed.

   (d) If the video is released in regards to the incident, it is highly recommended that the employee schedule another session with the psychologist at that time.

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Firearms and Qualification

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

A. **Firearm** - A small arms weapon, such as a rifle, pistol or shotgun, from which a projectile is fired by gunpowder.

B. **Pistol** - A firearm that is designed to be fired with one or both hands without shouldering the firearm.

C. **Rifle** - A firearm with a rifled barrel intended to be fired from the shoulder.

D. **Patrol Rifle** - A lightweight, compact rifle or carbine, chambered in .223.

E. **Shotgun** - A smoothbore firearm intended to be fired from the shoulder.

F. **Duty Firearms** - Department-issued and authorized privately-owned firearms for use on duty.

G. **Range Master** - Supervisor assigned to the department's Training Division, designated to manage and maintain the Spokane Police Departments firearms training, the firearms range, and the department's firearms.

312.2 AUTHORIZED FIREARMS

All firearms carried by officers will be inspected by the Range Master. No firearm shall be carried by a member who has not qualified with that firearm.

312.2.1 DUTY FIREARMS

Department-issued firearms include:

A. Glock pistols in calibers 9mm, .40 S&W and .45 ACP.

B. Colt, Bravo Company, Smith and Wesson rifles in caliber .223/ 5.56 NATO

C. Remington and Mossberg .12 gauge shotguns.

This list does not include firearms issued to special teams, including SWAT and Dignitary Protection. All commissioned members may use a privately-owned handgun as their primary duty weapon as authorized by the Range Master.

Authorized duty firearms must include the following criteria and be approved by the department’s Range Master:

- A semi-automatic handgun with a barrel length of no more than 5 inches, a capacity of no less than 7 rounds between the magazine and chamber, and a caliber of 9mm, .40 S&W or .45ACP.

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- Grips, sights, magazines, and related items meeting factory specifications and approved by the Range Master.
- Magazine disconnect removal or additions and any other modifications, must be approved by the Range Master.

In the event a privately-purchased duty firearm is taken from an officer during an investigation and the officer is returning to duty, the officer will carry the department-issued Glock firearm until the return of the privately-purchased duty firearm.

312.2.2 ISSUING FIREARMS

The Range Master or his/her designee(s) shall be solely responsible for the issuing of all department firearms and department ammunition.

312.2.3 BACKUP AND OFF-DUTY FIREARMS

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

Authorized firearms shall be:

A. Approved caliber of .380 or greater.

B. Hold a minimum of five rounds of ammunition.

C. A revolver that operates double-action or semi-automatic pistol.

An authorization form must be on file with the Range Master prior to carrying firearm(s) other than the one issued by the department. Officers are required to pass an approved SPD handgun qualification course when these firearms are initially approved and then at periodic times as part of the Firearms Training Program.

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

312.2.4 AMMUNITION

Officers shall carry only department-issued ammunition in department issued or authorized firearms while on-duty.

Replacements for un-serviceable or depleted ammunition issued by the department shall be dispensed by the Range Master or designee when needed in accordance with established policy.

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Ammunition consumption shall be tracked by the Range Master or designee and shall be signed out on the ammunition checkout forms in the armory, in accordance with the firearms range standard operating procedures. Consumed ammunition will be tracked and recorded for every calendar year. In addition, there will be an annual audit of the inventory conducted by Finance in cooperation with the Range Master.

312.2.5 ALCOHOL AND DRUGS

Authorized firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that result in being under the influence as defined in ART25, Section C.2 of the collective bargaining agreement. Officers shall not carry department-issued handgun/firearms to a place or event where they anticipate consuming alcohol.

312.3 SAFE HANDLING OF FIREARMS

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

312.3.1 SAFETY CONSIDERATIONS

A. Treat all firearms as if they were loaded; all guns are always loaded.

B. Never point the muzzle at anything you are not willing to destroy.

C. Keep your finger off the trigger until your sights are on target and you have made the decision to shoot.

D. Be sure of your target and the area beyond the target.

312.3.2 STORAGE OF FIREARMS AT HOME

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

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify semi-annually with their duty firearms on an approved firearms course.

312.4.1 NON QUALIFICATION

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

Members who fail to qualify during two successive qualification courses will be relieved from field assignment and appropriate disciplinary action may follow.

A. The Range Master or designee will issue a written order directing the officer to only use the firearm for practice or training.

B. The Range Master or designee will notify his/her chain of command of the failure and officer status change.

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Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated, and will be subject to the following requirements:

A. Additional range assignments may be required until consistent firearm proficiency is demonstrated.

B. Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

No range credit will be given for the following:

A. Unauthorized range make-up.

B. Failure to qualify after remedial training.

312.5 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.

312.6 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 in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (i.e., 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 become impractical.

312.6.1 INJURED ANIMALS

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Domesticated injured animals may only be euthanized after a reasonable search to locate the owner has been made.

312.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a duty firearm intentionally or unintentionally, on or off duty, shall make a verbal report to their supervisor as soon as circumstances permit and submit a written report as well. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy 310. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in Policy 310.

When a firearm is discharged pursuant to 312.6, the supervisor will complete a Firearm Discharge BlueTeam incident report and forward to Internal Affairs for documentation purposes.

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312.8 RANGE MASTER DUTIES

The range will be under the exclusive control of the Range Master. All members attending training will follow the directions of the Range Master or designees. The range shall remain operational and accessible to department members during hours established by the Department. The Range Master shall keep accurate records of qualifications, repairs, maintenance, and training. In addition to regular qualification schedules, the Range Master shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy.

312.9 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally-owned weapons is at the option of the individual officer, that officer may be provided assistance on personally-owned weapons. All firearms should be inspected once a year for functionality, approved equipment/ accessories, and modifications by the Range Master or his designee.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

The Range Master and/or designees shall be the only persons authorized to repair or modify any department-issued firearms. All repairs and/or modifications of department-issued firearms not performed by the Range Master must be approved in advance by the Range Master. Any repairs or modifications to the officer's personally-owned firearm shall be done at his/her expense and must be approved by the Range Master. Any firearm authorized by the Department to be carried on or off duty, found by the officer to be malfunctioning or needing service, shall not be carried, and shall be promptly presented to the Department or Range Master for inspection. Any firearm determined to be in need of service or repair during an inspection by the Range Master will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is returned. All accessories will be authorized and approved by the Range Master (this may include sights, slings, stocks, rails, or other after-market additions).

312.10 FLYING WHILE ARMED

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

A. Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

B. Officers must carry their Department identification card, which must contain a full-face picture and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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C. In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

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

E. Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department-appointed instructor.

F. It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.

G. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. 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.

H. Officers should not surrender their firearm, but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.

I. Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Retired Officer Firearms Certificate Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B; 18 USC 926C):

A. The officer shall carry his/her Department identification whenever carrying such weapon.

B. Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

C. The officer is not the subject of any current disciplinary action.

D. The officer may not be under the influence of alcohol or any other intoxicating or hallucinogenic drug.

E. 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

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prosecution in such locally-restricted areas. Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and 18 USC 926C.

312.12 PATROL RIFLES

312.12.1 RIFLE PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Spokane Police Department may assign patrol rifles to qualified officers as an additional and more immediate tactical resource.

312.12.2 RIFLE MAINTENANCE

A. Primary responsibility for maintenance of patrol rifles shall fall on the Range Master or his/her designee who shall inspect and service each patrol rifle on a regular basis.

B. Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

C. Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label and the Range Master shall be notified.

D. Each patrol rifle shall be subject to inspection by a supervisor or the Range Master at any time.

312.12.3 RIFLE TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed FTO training and have successfully passed the department’s patrol rifle user course or other comparable Range Master approved course.

312.12.4 PATROL RIFLE OPTICAL SIGHTING SYSTEMS

Only those electronic or enhanced sighting systems that have been approved by the Range Master may be used on an issued or privately-owned patrol rifle for field deployment. The Range Master or his designee will ensure that the unit is properly mounted, zeroed and does not interfere with the operation of the rifle.

312.12.5 DEPLOYMENT OF THE PATROL RIFLE

Officers deploying their patrol rifle should consider coordinated deployment of the rifle. As part of a coordinated deployment officers should, if feasible, advise dispatch and other officers via radio that they have deployed a patrol rifle.

Officers may deploy their patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Situations where officers may deploy their patrol rifle may include, but are not limited to:

A. Where the officer anticipates an armed encounter.

B. When the officer is faced with any circumstance that may require the delivery of accurate and effective fire at extended distances.

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C. Where an officer reasonably expects the need to meet or exceed the suspect's firepower.

D. Where an officer reasonably believes that there may be a need to deliver accurate fire on a barricaded suspect.

E. Where the 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 deploying rifles, officers will comply with the requirements of Policy 300, Use of Force.

When feasible, a supervisor will respond to an incident where a patrol rifle has been deployed.

312.12.6 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

A. The chamber is empty.

B. The safety is on.

C. There is a fully loaded magazine in the rifle.

D. The rifle is stored in the locked patrol vehicle's rifle rack or trunk.

312.12.7 RIFLE STORAGE

A. When not in use, patrol rifles will be stored in the department armory. Personally-owned rifles may be stored in the armory or at the officer's home in accordance with Policy 312.

B. At the end of the assigned officer's shift, the department patrol rifle will be returned and secured in the department armory.

C. Officers assigned take home cars may store department and personally- owned rifles (patrol and specialty team rifles) in:

1. The Department armory;

2. The police vehicle if the vehicle is stored within a secure garage and the rifle is secured in a locking device or in the locked vehicle trunk; or

3. The officer's home and secured in accordance with Policy 312.

312.13 PATROL SHOTGUNS

312.13.1 SHOTGUN PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Spokane Police Department will assign patrol shotguns to qualified officers as an additional and more immediate tactical resource.

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312.13.2 SHOTGUN MAINTENANCE

A. Primary responsibility for maintenance of patrol shotguns shall fall on the Range Master or his/her designee who shall inspect and service each patrol shotgun on a regular basis.

B. Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol shotgun.

C. Any patrol shotgun found to be unserviceable shall be removed from service. The shotgun shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label and the Range Master shall be notified.

D. Each patrol shotgun shall be subject to inspection by a supervisor or the Range Master at any time.

312.13.3 SHOTGUN TRAINING

Officers shall not carry or utilize the patrol shotgun unless they have successfully completed FTO training and have successfully passed the department’s patrol shotgun user course or other comparable Range Master approved course.

312.13.4 DEPLOYMENT OF THE SHOTGUN

Officers deploying their shotgun should consider coordinated deployment of the shotgun. As part of a coordinated deployment officers should, if feasible, advise dispatch and other officers via radio that they have deployed a shotgun.

Officers may deploy their shotgun in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Situations where officers may deploy their shotgun may include, but are not limited to:

A. Where the officer anticipates an armed encounter.

B. Where an officer reasonably expects the need to meet or exceed the suspect’s firepower.

C. Where an officer reasonably believes that there may be a need to deliver accurate fire on a barricaded suspect.

D. When authorized or requested by a supervisor.

E. When needed to euthanize an animal.

312.13.5 PATROL READY

Any qualified officer carrying a patrol shotgun in the field shall maintain the weapon in the "patrol ready" until deployed. A shotgun is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

A. The chamber is empty.

B. The safety is on.

C. The shotgun's magazine is loaded and the side saddle is full.

D. The shotgun is stored in the locked patrol vehicle's rifle rack or trunk.

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312.13.6 SHOTGUN STORAGE

A. When not in use, shotguns will be stored in the department armory. Personally- owned shotguns may be stored in the armory or at the officer's home in accordance with Policy 312.

B. At the end of the assigned officer's shift, the department shotgun will be returned and secured in the department armory.

C. Officers assigned take home cars may store department and personally- owned shotguns (patrol and specialty team rifles) in:

1. The Department armory;
2. The police vehicle if the vehicle is stored within a secure garage and the shotgun is secured in a locking device or in the locked vehicle trunk; or
3. The officer's home and secured in accordance with Policy 312.

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Vehicle Pursuit Policy

314.1 PURPOSE AND SCOPE

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

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

This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit. Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment.

314.1.1 DEFINITIONS

A. **ATTEMPTING TO ELUDE** - Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop (RCW 46.61.024).

B. **SUPPORT** - Support shall mean efforts made by units assisting a pursuit to block intersections, deploying stop sticks, or other means to limit the scope of the pursuit and protect the public.

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

D. **VEHICLE FOLLOW / FAIL TO YIELD DEFINED** - A vehicle follow is an event involving one or more law enforcement officers attempting to detain a suspect vehicle that is failing to yield to the visual and/or audio signals of the law enforcement officers but not operating the vehicle in a reckless manner. A vehicle follow is not a vehicle pursuit. (RCW 46.61.022).

E. **VEHICLE PURSUIT** - A vehicle pursuit is an event involving one or more law enforcement officers attempting to detain a suspect vehicle that is attempting to elude apprehension. The suspect also operates the vehicle in a reckless manner as he/she

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fails to obey the visual and/or audio signals of the law enforcement officers. A vehicle pursuit is not a vehicle follow. (RCW 46.61.022).

1. Officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or other evasive tactics shall have emergency equipment activated.

314.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a motor vehicle pursuit shall be conducted only with emergency lights and siren. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4). Only those officers that have completed the required training for authorized police vehicles and pursuit intervention/forcible stops may utilize these vehicles and techniques.

314.2.1 WHEN TO INITIATE A PURSUIT

It is the policy of the Spokane Police Department that pursuits are permissible only when the necessity for immediate apprehension outweighs the danger created by the pursuit itself. Officers may <u>only</u> initiate pursuits for the following reasons:

Homicide

Drive by Shooting

Assault 1st and 2nd Degree

Burglary 1st Degree

Arson 1st and 2nd Degree

Rape 1st and 2nd Degree

Robbery 1st and 2nd Degree

Kidnapping 1st and 2nd Degree

or warrant (non DOC) for the above crimes

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

A. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

B. Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).

C. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

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D. Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.

E. Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of immediately apprehending the suspect.

F. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

G. Vehicle speeds.

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

I. Availability of other resources such as helicopter assistance.

J. The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle. Pursuits shall not be initiated or entered into when a passenger is in the vehicle. Exceptions may be granted by the Office of the Chief or designee.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit.

Pursuits will be **immediately** terminated under the following conditions:

A. A commissioned supervisor, to include a corporal, orders the pursuit terminated.

   1. Supervisors who wish to terminate a pursuit will issue an order to terminate and return to service.

   2. All units will immediately deactivate their emergency lights and sirens. If applicable, when air support is involved, it will only continue to follow the suspect vehicle if supervisory permission has been granted to do so.

B. The suspect is known to the officer and does not pose an **immediate** threat to the public.

C. The distance between the officer and the suspect is so great that exceptional speeds are required by the officer to catch up, placing the officer(s), the public, and the suspect in serious danger.

D. The officer loses visual contact with the suspect for an extended period of time.

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1. This does not imply that officers must cease looking for the suspect; however, officers must slow to the posted speed limit if they lose visual contact with the suspect.

E. If equipment failure involving the police vehicle's emergency lights, siren, radio, brakes, steering, or other essential mechanical equipment occurs.

F. Hazards to uninvolved bystanders or motorists outweighs the need for apprehension.

G. If the identity of the felony offender is known and it appears that the immediate risks to the public and officer(s) associated with continuing the pursuit now outweigh the risks that the felony offender will continue to pose to the public if allowed to temporarily escape.

PROHIBITED ACTIONS

Sworn employees will not pursue violators while they are traveling the wrong way on any freeway, freeway frontage road, divided highway, or one-way street.

314.2.3 SPEED LIMITS

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

When speeds are such that the immediate risks to the public and officer(s) exceed the interest in the apprehension of the suspect, the pursuit WILL BE terminated (see 314.2.2 above).

314.3 PURSUIT UNITS

No more than three marked units will be involved in the immediate pursuit without a supervisor's approval. An officer may request or supervisor may approve additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s) or perform a PIT / Post PIT maneuver. All other officers may support the pursuit, and should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point in a safe manner.

314.3.1 AUTHORIZED PURSUIT VEHICLES

The Ford Police Interceptor Sedan and Utility, the Ford Crown Victoria, the pursuit rated Chevrolet Tahoe PPV, the Ford Taurus, the pursuit rated Ford F150, and the pursuit rated Dodge Charger are the only pursuit rated vehicles in use by the Spokane Police Department and are authorized to participate in a pursuit. Special service vehicles to include sport utility vehicles, trucks, vans, traditional passenger cars, and motorcycles should not be used in pursuits.

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314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

A. Reason for the pursuit.

B. Location and direction of travel.

C. Speed of the fleeing vehicle.

D. Description of the fleeing vehicle and license number, if known.

E. Number of occupants in the vehicle.

F. The identity or description of the known occupants.

G. Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

H. Traffic conditions, vehicular and pedestrian.

I. Weather conditions to include road surface.

J. Visibility and illumination.

The officer in the primary unit shall be responsible for broadcasting the progress of the pursuit unless directed otherwise by a supervisor or when practical circumstances indicate. If the primary unit desires they may relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

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

314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

A. The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

B. Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

314.3.5 PURSUIT DRIVING TACTICS

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

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

B. Because intersections can present increased risks, the following tactics should be considered:

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

   2. Pursuing units will exercise due caution when proceeding through controlled intersections.

C. Notifying the Washington State Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

D. Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

314.3.7 AIRCRAFT ASSISTANCE

A. When officers initiate a vehicle pursuit, the availability of air support should be considered.

B. The supervising sergeant and/or dispatch supervisor will ensure that this option is considered.

C. If air support is available, officers or supervisors should request assistance. "Available" means currently operating in-flight.

D. When air support arrives on scene and is able to assume and maintain visual contact with the fleeing vehicle, SPD pursuing officers will discontinue close pursuit, unless the tactical needs of the situation clearly call for continuing close pursuit.

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E. The intent of discontinuing close pursuit is to encourage the fleeing vehicle to cease driving in a reckless manner because the driver believes police pursuit has ended. It is also recognized that a frequent result of discontinued pursuits is that the suspect driver stops the vehicle and flees on foot.

F. When close pursuit is discontinued, units may continue to safely position themselves strategically to respond in the event that the fleeing vehicle stops and/or the suspect(s) flee on foot. This repositioning will be outside of the view of the fleeing vehicle and officers shall use due care and caution when doing so.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

1. Upon becoming aware of a pursuit, immediately ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
2. In only extreme circumstances engage in the pursuit to provide on scene supervision. Supervisors directly involved cannot monitor the pursuit.
3. Exercise management and control.
4. Ensure that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
5. Direct that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
6. Ensure that aircraft are requested if available.
7. Ensure that the proper radio channel is being used.
8. Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
9. Control and manage SPD units when a pursuit enters another jurisdiction.
10. Complete additional reports as necessary and/or Pursuit Review Report. A Pursuit Review will only be conducted when the officer's intentional actions meet the definition of pursuit as defined in this policy.

B. Pursuit Review: When practical the monitoring supervisor should initiate the Pursuit Review documentation. When completing a Pursuit Review the supervisor shall take the necessary steps to conduct a thorough investigation. The supervisor shall:

1. Respond to the scene, when possible;
2. Review all documentation of the incident and make every reasonable effort to contact all involved officers;

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3. Ensure identification of witnesses and other involved parties. When possible conduct civilian interviews of those subjects directly or indirectly involved.
4. Ensure the collection of any appropriate evidence when applicable;
5. In the event that the supervisor believes that the incident may give rise to potential civil litigation, the supervisor shall notify the DSO or appropriate command staff member during normal business hours;
6. Attach all incident reports, the CAD incident history and a link to all officer body camera videos in Evidence.com;
7. List other officers present as witness officers;
8. Provide a brief summary of the incident in Blue Team and attach a Supervisor Review.
9. Provide a brief comment stating whether the pursuit was within policy and any possible training issues. If more detailed analysis is needed, include it in the Pursuit Review Blue Team report.
10. Forward the Pursuit Review to Internal Affairs Group in Blue Team.
11. Internal Affairs will attach all photographs and recordings of radio traffic to the report. A member of Internal Affairs will verify that all relevant materials were attached to the case and forward it to the next person in the supervisor's chain of command for review.

314.4.1 SHIFT COMMANDER RESPONSIBILITY

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

314.5 COMMUNICATIONS

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

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

314.5.1 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

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

A. Coordinate pursuit communications of the involved units and personnel.

B. Notify and coordinate with other involved or affected agencies as practical.

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C. Ensure that a field supervisor is notified of the pursuit.

D. Assign an incident number and log all pursuit activities.

E. Broadcast pursuit updates as well as other pertinent information as necessary.

F. Notify the Shift Commander as soon as practical.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

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

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

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

When other law enforcement agencies involved in a pursuit enter the City, Spokane Police Officers will act as support units only. Exceptions to this are:

A. If the agency specifically requests assistance, a supervisor must approve SPD units becoming directly involved.

B. If only one unit from an outside agency is involved and it is a marked emergency vehicle, one SPD unit may act as a secondary unit or take over as the primary unit in a pursuit with the permission of a supervisor.

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If an SPD unit does become the primary or secondary pursuit unit, all applicable department pursuit policies apply. SPD units supporting another agency's pursuit will put themselves on the call.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor will consider these additional factors:

A. The original reason for the pursuit is compliant with SPD pursuit policy, section 314.2.1.

B. Ability to maintain the pursuit.

C. Adequate staffing to continue the pursuit.

D. The public's safety within this jurisdiction.

E. Safety of the pursuing officers.

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

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

314.7 PURSUIT INTERVENTION/FORCIBLE STOPS

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

314.7.1 WHEN USE AUTHORIZED

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

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

314.7.2 DEFINITIONS

Blocking A slow speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a momentarily stopped suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Post PIT is one example of blocking.

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

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Pursuit Intervention Technique (PIT) A maneuver designed to cause the suspect vehicle into a forced rotational technique to terminate the pursuit.

Ramming The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.This technique may be considered a use of deadly force.

Roadblocks A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle last known direction.This technique may be considered a use of deadly force.

Spike Strips or Stop Sticks A device that extends across the roadway designed to slowly deflate the tires of the pursued vehicle. Spike Strips may be deployed to avoid and/or conclude a pursuit (see 314.7.5A).

314.7.3 USE OF A FIREARM TO DISABLE A VEHICLE

Weapons will not be fired solely to disable a moving vehicle. The exception will be SWAT who has specific training in disabling a moving vehicle using a variety of tactics, to include firearms.

314.7.4 STOPPED/STATIONARY HIGH-RISK VEHICLE CONTACTS

A. Police contacts with stopped/stationary high-risk vehicles may present a heightened risk of danger to officers and others.

B. When time and circumstances permit, prior to approaching the vehicle, officers shall use de-escalation and tactical options, including time, distance, cover and assisting officers, to minimize the amount of force needed, or eliminate the need for force altogether to take the suspect(s) into custody and safely resolve the situation.

C. If necessary to approach a vehicle on foot following a pursuit or other high risk stop or contact, the officer shall not intentionally place his/her person directly in front of or behind the vehicle until it is safe to do so and there is no longer a danger that the car will be put into motion.

D. There is an expectation that officers will move out of the path of a moving vehicle if it is safe to do so.

314.7.5 INTERVENTION/FORCIBLE STOP STANDARDS

Any intervention/forcible stop tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Officers who have received certified departmental training in the application and use of any forcible stop or intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention/forcible stop tactic should be employed.

A. Spike strips/stop sticks may be deployed to avoid and/or conclude pursuits that meet the pursuit guidelines outlined in this policy. Spike strips/stop sticks should be deployed only when the involved officers are reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations

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of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.

1. When pursuit guidelines would not normally be met and under exceptional circumstances, the Shift Commander may authorize deployment of spike strips/ stop sticks based on a reasonable belief that the suspect will flee or is fleeing and will pose an immediate significant risk to the public. The Shift Commander will complete an additional justifying their authorization of the deployment of spike strips.

B. Blocking may be used to conclude and/or avoid pursuits for officers/detectives assigned to SWAT, TCU, PACT, SIU and the Gang Unit. Officers should obtain supervisor approval prior to using a blocking technique. The vehicle used for blocking does not need to be an authorized pursuit vehicle. Because of the potential risks involved, this technique will only be employed by officers who have received training in such tactics after giving consideration to the following:

1. All other reasonable intervention techniques reasonably appear ineffective.
2. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
3. The target vehicle is stopped or momentarily stopped.
4. Civilians when in their vehicles should not be utilized in the deployment of this technique. Do not place a citizen vehicle between the suspect vehicle and the blocking police vehicle.

C. Pursuit Intervention Technique (PIT). Only those officers trained and certified in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure. PIT is authorized to apprehend fleeing offenders.

1. The officer employing the PIT must balance the necessity of apprehension of the suspect with the risk of utilizing the technique. PIT executed at 40 MPH or less is at the discretion of the officer. PIT executed at more than 40 MPH may be considered only after supervisory approval. The use of a PIT maneuver shall be reported in the incident report and the pursuit review form. Damage to vehicles or property as a result of a PIT maneuver shall be investigated as a collision.

D. Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or thoroughly considered. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct officers in their decision making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act that is a matter for the courts to determine by established law. 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.

1. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:

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

(b) The suspect is driving in willful or wanton disregard for the safety of others or, driving in a reckless and life endangering manner.

E. Boxing Technique: Pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, then officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

F. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. If a roadblock is approved, there must be an escape route left for the pursued vehicle to use.

314.7.6 STARCHASE PURSUIT MANAGEMENT SYSTEM

The StarChase Pursuit Management System (StarChase) allows an officer to remotely affix a GPS tracking device to a pursued or about to be pursued vehicle using an air pressure system to discharge the tracker from the front of the StarChase equipped patrol car to the vehicle in front of it. Once the tracker is affixed, its location can be tracked using a computer with an internet connection. Dispatch will have this tracking ability to monitor the GPS tracking device location once it has been deployed.

A. For the purpose of clarity of communications, radio traffic should identify the device as "StarChase."

B. StarChase equipment shall only be operated by officers who have been trained in its use by a qualified EVOC instructor. StarChase equipped vehicles shall not be assigned to officers who are not trained in its use unless required by exigent circumstances.

1. Except as specified within this policy, officers shall use their own judgment regarding affixing a StarChase tag upon a pursued vehicle and do not need prior approval from a supervisor.

2. StarChase equipped vehicles may pass other pursuing vehicles only when deemed safe and only with specific permission from the unit to be passed. The vehicle(s) being passed shall pull safely to the side of the roadway to allow the StarChase equipped vehicle to pass.

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3. Once the StarChase tag has been successfully deployed, pursuing vehicles will drop back significantly from the suspect vehicle and will remain out of sight of the suspect vehicle.
4. Dispatch shall provide constant updates on speed, direction of travel and location of the suspect vehicle.
5. The officer deploying the StarChase device shall coordinate with Dispatch and other officers to respond to the appropriate location(s) to contain and apprehend the suspect.
6. Once the suspect vehicle has been located the GPS tracking device will be removed when safe to do so.

StarChase equipment shall only be used for felonies to apprehend a fleeing suspect. Any other use of the device may require a warrant.

StarChase shall only be used in police chases that commence when an officer has the equivalent of probable cause to believe a crime has been committed and do not have time to obtain a warrant.

StarChase equipment shall only be used (without a warrant) to apprehend a fleeing suspect or suspect likely to flee in a vehicle under exigency when there is not enough time to write a warrant. The device shall not be used to monitor or track a vehicle outside the scope of immediate apprehension when it is safe to do so barring a warrant authorizing such tracking (the device is not authorized to be utilized to monitor a vehicle location past the time necessary to safely locate the vehicle).

314.7.7 CAPTURE OF SUSPECTS

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

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.7.8 REPORTING REQUIREMENTS

The following reports should be completed:

A. Officers shall complete appropriate crime/arrest reports. The primary officer shall complete a report, which shall minimally contain the following information:
    1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
    2. The violation(s) that caused the pursuit to be initiated.
    3. The identity of the officers involved in the pursuit.

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4. The means or methods used to stop the suspect being pursued.
5. The conditions of the pursuit, including, but not limited to, all of the following
   (a) Duration
   (b) Pursuit route
   (c) Time of day
   (d) Weather conditions
   (e) Maximum speeds
   (f) Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved. The Officer-Involved Fatal Incident Protocol shall be invoked with collisions involving serious injury or fatality.
   (g) Whether the pursuit involved multiple agencies.
   (h) How the pursuit was terminated.

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

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314.8 ADMINISTRATIVE REVIEW OF PURSUITS

A review and analysis of all pursuits will be conducted each year and presented to the Chief of Police. This analysis will include trends, policies, personnel issues, and training issues identified in the review process.

314.9 COLLISION/PURSUIT REVIEW BOARD

This policy establishes a process for the Spokane Police Department to provide an administrative review of incidents including vehicle operation that includes pursuits or collisions by its employees. The department shall utilize a board to conduct reviews, the Collision/Pursuit Review Board (CPRB). The CPRB is designated to review Officer involved collisions and Officer involved vehicle pursuits.

314.9.1 COLLISION/PURSUIT REVIEW BOARD PURPOSE AND SCOPE

Officer involved collisions and vehicle pursuit incidents are investigated and reviewed by the involved Officer's chain of command. The Chief or his or her designee makes the final determination if the officer's actions were within policy. After the final determination the incident is evaluated and debriefed by the CPRB to evaluate training, equipment needs, and policy and standard operating procedures (SOPs) in place or practiced department-wide. The CPRB will not be utilized to recommend discipline or conduct investigations in unresolved incidents.

The CPRB will also work with the Office of Professional Accountability on the development of an annual Emergency Vehicle Operations Analysis report.

314.9.2 CPRB PROCESS

After an Officer involved collision or vehicle pursuit incident receives a final determination by the Chain of Command, the Office of Professional Accountability will forward the report to the Chief's office. After review by the Chief's office, the incident will be forwarded to members of the CPRB for review. The CPRB will convene once per month.

The Training Director will serve as the CPRB Chairperson. The Chairperson will determine the members of the CPRB. Members may include, but not be limited to the following:

A. Training Unit members

B. EVOC instructors

C. Collision Investigators

D. Office of Professional Accountability

E. Department subject matter experts in the applicable fields of applied force, patrol procedures, and other related needs.

314.9.3 CPRB REVIEW

While reviewing Officer involved collision and pursuit incidents, the CPRB will consider the totality of the circumstances which may include the following:

A. Officers involved and their current assignments during the incidents

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B. The training, experience and ability of the involved officers

C. Incident threat factors

D. Any attempt by the subject to evade detention by flight

E. Severity of the crime or community caretaking situation

F. Split-second decision making

G. Involved weapons and proximity to potential weapons

H. Environmental considerations

I. The time of day that incidents took place and geographic locations of incidents

J. The considered and/or chosen tactics of the involved officers and the results of the considered and/or chosen tactics

K. Injuries to officers and/or involved subjects

L. Number of officers and subjects present during the incident

M. Availability of other options during the incident, etc.

N. Prior knowledge and/or contacts with the subject

O. Quality of supervision

P. Early Intervention System (EIS) alerts

Q. Training considerations

R. Police radio considerations

S. Tactical considerations

T. Patrol procedures considerations

U. Equipment considerations

V. Documentation considerations

W. Policy considerations

X. Other relevant observations and recommendations

314.9.4 CPRB OUTCOMES

The recommendations of the CPRB, if any, will be compiled and reported through the chain of command by the CPRB Chairperson, the Training Director. The Training Director will coordinate any approved training recommendations for individual officers recommended by the CPRB for implementation. The Training Director will be responsible for coordinating departmental recommendations, such as those involving in-service training. The Office of Professional Accountability will document any recommendations and action taken involving individual officers.

The recommendations resulting from the CPRB will be submitted in a monthly report to the Chief of Police following each meeting. The Training Director will provide a copy of the report to the Office of Professional Accountability for further distribution.

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314.10 VEHICLE FOLLOWS

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

314.11 EVOC TRAINING

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

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Officer Response to Calls

316.1 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.

316.2 RESPONSE TO CALLS

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

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

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

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

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

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

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

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

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

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

316.4 INITIATING CODE 3 RESPONSE

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

(a) Distance from the call.

(b) Relative exigency of the call.

(c) Weather and geographical conditions.

(d) Traffic.

(e) Officer's driving experience and ability.

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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

316.6 COMMUNICATIONS RESPONSIBILITIES

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

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

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

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

(d) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Commander, field supervisor and communications supervisor.

316.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated.

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

(c) Affected outside jurisdictions are being notified as practical or necessary, such as in the instance of a vehicle pursuit.

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

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

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

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

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Canine Program

318.1 PURPOSE AND SCOPE

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

318.2 GUIDELINES FOR THE USE OF PATROL CANINES

The canine handler may deploy the patrol canine to locate and apprehend a suspect when:

A. The individual has committed or threatened to commit any criminal offense; and

B. The individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler; or

C. The individual is physically resisting arrest and the use of a canine is necessary to overcome such resistance; or

D. The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

As with all decisions to use force, the decision to use a patrol canine must be objectively reasonable in view of the totality of the circumstances. Mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury. It is the canine handler's responsibility to evaluate each situation and determine whether the use of a patrol canine is appropriate and reasonable. The canine handler shall have the ultimate authority to decline the use of the canine whenever he/she deems the deployment unsuitable.

318.3 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning shall be made prior to releasing a canine. The warning shall announce that a canine will be released if the person does not comply with law enforcement commands. The canine handler, when practical, shall first advise the supervisor and involved personnel of the decision not to give a verbal warning prior to releasing the patrol canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

318.4 GUIDELINES FOR NON-APPREHENSION USE

Because police canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). In such circumstances, it will be necessary for the handler

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to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

Patrol canines will only be used in community care-taking situations when it has been established that the risk of death or serious injury outweighs the risk of any injury that may be inflicted by the canine. Handlers will make a supervisor fully aware of the situation and receive explicit permission from the supervisor prior to deploying the canine in all such situations, unless immediate action by the handler is required. During these searches, the handler will take precautions to avoid unintentional canine contact.

318.5 REPORTING CANINE USE, BITES AND RESULTING INJURIES

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

If a bite or injury results from the use of the patrol canine, that information shall be documented utilizing use of force reporting procedures. The completed documentation will be forwarded through the appropriate chain of command for review. The report should include, at a minimum, the following:

A. In all cases of a canine bite, the affected area shall be photographed whether visible or not. Whether an obvious injury has occurred or not, the subject shall be transported to an appropriate medical facility for treatment/evaluation.

B. Whenever a bite results, the canine supervisor shall notify the County Health Office as soon as practical after the incident.

C. If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury shall be photographed and evaluated by medical personnel.

D. If an unintentional bite has taken place, a supervisor will contact the person(s) that were injured and take a statement as soon as possible. The duty staff officer will also be notified and the on-call risk manager will be notified.

E. If injuries are sustained by a City employee or volunteer, a supervisor will be notified and the supervisor will assure that all appropriate reports, to include a L & I Injury Report, are completed.

318.5.1 REPORTING INJURED CANINES

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

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

The injury will be documented by the canine sergeant.

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318.6 USE OF NARCOTIC-DETECTION CANINES

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

A. To assist in the search for narcotics during a search warrant service.

B. To obtain a search warrant by using the detection canine in support of probable cause.

C. To search vehicles, buildings, bags, and any other articles or areas deemed necessary pursuant to lawful authority.

D. A narcotic-detection canine will not be used to search a person for narcotics.

318.7 USE OF BOMB/EXPLOSIVE DETECTION CANINE

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted.

When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

A. To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

B. To conduct preventive searches at locations such as special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

C. To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).

D. To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

E. To assist with evidentiary searches at crime scenes where firearms, shell casings, or ammunition are likely to be located.

At no time will a detection dog be used to render a suspected device safe or clear.

318.7.1 BOMB/EXPLOSIVES CANINE HANDLER RESPONSIBILITIES – AVAILABILITY

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

318.7.2 BOMB/EXPLOSIVE TRAINING AIDS & PROCEDURES

It is recognized that explosive substance training aids are required to effectively train and maintain explosives detecting dogs.

Due to the responsibilities and liabilities involved with possessing explosive material, the following procedure shall be strictly followed:

A. All necessary explosives training samples shall be acquired from the Spokane Police Department's Explosive Disposal Unit.

B. The canine handler will maintain a current inventory of the explosive training aids issued to them.

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C. All explosive training aids will be stored in a locked Type 2 Indoor explosives magazine, secured inside an alarmed portion of a building located at the Spokane Police Training facility in accordance with the specifications of Chapter 296-52 WAC.

D. Explosive training aids may be transported for day-use only in a locked Type 3 Day Box explosives magazine inside the canine handler's vehicle in accordance with the specifications of Chapter 296-52 WAC.

318.8 ASSIGNMENT OF CANINES

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

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

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

318.9 REQUEST FOR USE OF CANINE TEAMS

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

318.9.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

All requests for canine assistance from outside agencies must be approved by a supervisor subject to the following provisions:

A. Notification to the on duty shift commander.

B. Notification to police dispatch to include a created call and location.

C. Canine teams shall not be used for any assignment that is not consistent with this policy.

D. The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

E. Canine teams requested outside the boundaries of the Spokane City but within the boundaries of Spokane County require approval of the K9 Sergeant, the K9 Lieutenant or the shift commander. Canine teams requested beyond the boundaries of Spokane County require approval of the K9 Lieutenant, in the absence of the K9 Lieutenant the DSO must approve.

318.9.2 REQUEST FOR PUBLIC DEMONSTRATIONS & RIDE-ALONGS

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

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Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the canine supervisor. Canine Unit personnel ride-alongs will follow the Department Ride-Along Policy and Canine Unit SOP's.

318.10 SELECTION OF CANINE HANDLERS

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

A. Spokane Police Department officer currently off probation and three years law enforcement experience.

B. Resides in a single-family residence suitable for housing a police canine.

C. Lives within the state of Washington or Idaho and within 30 minutes (one direction) of the Public Safety Building. Exceptions to this may be granted by the Chief of Police.

D. Successfully completes the canine unit application process as described in the unit's SOP's.

E. Commits to the assignment for a minimum of three years.

Explosives detection canine handlers must be eligible to possess an explosives handler's license from the Washington State Department of Labor and Industries.

318.11 CANINE HANDLER RESPONSIBILITIES - AVAILABILITY

The handler shall be available for call-out under conditions specified by the canine supervisor and unit SOP's.

318.12 CARE FOR THE CANINE AND EQUIPMENT

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

A. Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

B. Maintaining all department equipment under his/her control in a clean and serviceable condition.

C. Permitting the canine supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine, to verify that conditions and equipment conform to this policy.

D. Any changes in the living status of the handler, which may affect the lodging or environment of the canine, shall be reported to the canine supervisor as soon as possible.

E. When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of a handler.

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F. The canine may be permitted to socialize in the home with the handler's family under the direct supervision of a handler.

G. Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or Shift Commander.

H. When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the canine supervisor or Shift Commander.

I. Whenever a canine handler anticipates taking a vacation or an extended number of days off, the handler may temporarily relocate the canine. In those situations, the canine will be housed at the Spokane Police Training Center canine kennels. Notification of the canine unit supervisor and members of the canine unit will be made prior to kennel housing to ensure that feeding, clean-up, exercise and care of the dog is maintained.

318.13 CANINE IN PUBLIC AREAS

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

A. Canines shall not be left unattended in any area to which the public may have access.

B. When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the conditions of the unattended canine will not compromise the health or comfort of the dog.

C. The canine handler shall comply with leash law requirements unless actively deployed, engaged in training, or conducting public demonstrations.

318.14 HANDLER COMPENSATION

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

318.15 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.5.1.

318.15.1 NON-EMERGENCY MEDICAL CARE

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

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

All records of medical treatment shall be maintained by the designated unit veterinarian.

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

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

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

A. Canine teams shall receive appropriate training as determined by the canine supervisor in coordination with the unit's designated trainers.

B. Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.

C. In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Spokane Police Department.

D. All canine training shall be conducted while on-duty unless otherwise approved by the canine supervisor or Shift Commander.

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

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

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

A. Reviewing Canine Use Reports to insure compliance with policy and law, and identify training issues and other needs of the program.

B. Maintain liaison with the vendors.

C. Maintain liaison with administrative staff and functional supervisors.

D. Maintain liaison with other agency canine coordinators.

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E. Maintain accurate records to document canine activities.

F. Recommend and oversee the procurement of needed equipment and services for the unit.

G. Be responsible for scheduling all canine related activities.

H. Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

I. Review and process all Canine Use of Force reports.

318.18 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

A. Must be an authorized peace officer assigned to the canine unit;

B. Controlled substances are no longer needed as criminal evidence;

C. Officer receiving the controlled substances, if required by the Drug Enforcement Administration, must possess a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

Controlled substances shall be destroyed and replenished periodically to ensure accurate odor for detection.

318.18.1 PROCEDURES

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

A. All necessary controlled substance training samples shall be acquired from the Spokane Police Department's evidence personnel or from allied agencies. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

B. The weight and test results shall be recorded and maintained by this department.

C. Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

D. All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine handler with copies forwarded to the dispensing agency and canine supervisor.

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E. All controlled substance training samples will be stored in locked boxes at all times, except during training. The locked boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.

F. The canine supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

G. Unusable controlled substance training samples shall be returned to the Property and Evidence Facility or to the dispensing agency.

H. All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.18.2 IMMUNITY

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

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CITIZEN OBSERVATION of OFFICER ACTIVITIES

319.1 PURPOSE AND SCOPE

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

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

319.2 WITNESSING STOPS, DETENTIONS, ARRESTS AND OTHER POLICE ACTIONS

(a) With the prevalence of digital cameras, cell phone cameras and other recording media, it is common (and should be expected) that police incidents may be photographed and/or video recorded both by citizens and the news media.

(b) Officer safety, the protection of the suspect or person(s) being detained, including his/her right to privacy, as well as the safety of onlookers are all important factors to consider. With these factors in mind, officers shall recognize and obey the right of persons to observe, photograph, and/or make verbal comments in the presence of police officers performing their duty.

(c) Citizens, regardless of their intent to video and/or audio record a police activity, shall not enter any established, well marked and protected crime scene. This applies as well to any restricted area that would normally be unavailable to the general public. At any secure scene, officers or detectives will determine who enters or leaves the secured area.

(d) In public areas, there is not a distinction between citizens employed by a news media organization and those who are not. Under most circumstances, the existence of "press credentials" extends no special privileges to any citizen, nor does the absence of such credentials limit a citizen's free access to record law enforcement activities while in public.

319.3 BYSTANDER FILMING OF OFFICER-SUSPECT CONTACTS

(a) It is increasingly common for those near any police action and who are not directly involved in any criminal activity, to record contacts between officers and citizens. Bystanders have the right to record police officer enforcement activities. Exceptions to this right are when any person doing so:

1. Jeopardizes the safety of the officers or suspect
2. obstructs the officers and/or violates the law

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3. threatens others by words or actions
4. attempts to incite others to violate the law

319.4 OBTAINING EVIDENCE OF RECORDED MEDIA

(a) Interviews or contacts with citizens to obtain their identification, as well as accurate and complete evidence are encouraged. Officers shall not demand identification, detain citizens, or seize their recorded media when that media contains video, still images or sounds associated with any police action or crime being investigated.

(b) When recorded media of any kind is being sought from an uninvolved citizen, the first course of action in securing this evidence should be a request for voluntary surrender of the recorded media. Officers making this request and the citizen's response will be documented in the officer's report. If the citizen voluntarily surrenders the media, they will be given the Incident number and the requesting officer's name.

(c) When officers do not have sufficient authority to seize any recorded media, but believe it may be of value in an investigation, officers should attempt to obtain their identification and advise the citizen that the recorded media may be evidence of a crime, that a court order will be sought for the media, and that it should not be tampered with, altered or destroyed. This information will be documented in the officer's report.

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Domestic Violence

320.1 PURPOSE AND SCOPE

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

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

320.1.1 DEFINITIONS

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

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

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

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

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

A. Assault in the first, second, third and fourth degree (RCW 9A.36.011 to 36.041).

B. Drive-by shooting (RCW 9A.36.045).

C. Reckless endangerment (RCW 9A.36.050).

D. Coercion (RCW 9A.36.070).

E. Burglary in the first and second degree (RCW 9A.52.020 and.030).

F. Criminal trespass in the first and second degree (RCW 9A.52.070 and.080).

G. Malicious mischief in the first, second and third degree (RCW 9A.48.070 to.090).

H. Kidnapping in the first and second degree (RCW 9A.40.020 and.030).

I. Unlawful imprisonment (RCW 9A.40.040).

J. Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145).

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K. Rape in the first and second degree (RCW 9A.44.040 and.050).

L. Residential burglary (RCW 9A.52.025).

M. Stalking (RCW 9A.46.110).

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

Employee - Means any person currently employed with an agency.

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

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

Harassment - Includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as harassment or a crime committed in another jurisdiction that under the laws of this state would be classified as harassment under RCW 9A.46.040 (RCW 26.52.010).

Intimate Partner - (a) Spouses, or domestic partners;(b) former spouses, or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; and (f) persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship.

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

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

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

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320.2 POLICY

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

320.2.1 OFFICER PROTECTION FROM LIABILITY

No officer may be held criminally or civilly liable for making a domestic violence arrest if the officer acts in good faith and without malice (RCW 26.50.140, 10.31.100(2)(c), and 10.99.070). Officers who willfully fail to enforce the law are not immune from liability, the above statutes notwithstanding. Victims of domestic violence must receive equal protection under the law and it is the policy of the Spokane Police Department that all officers will be held accountable for any willful failure to enforce domestic violence laws.

An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the seizure or lack of seizure of a firearm, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. (RCW 10.99.030.6)

320.3 OFFICER SAFETY

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

A. Marital status of suspect and victim.

B. Whether or not the suspect lives on the premises with the victim.

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

D. Potential financial consequences of arrest.

E. The physical or mental health of either party.

F. Use of drugs or alcohol by either party.

G. Denial that the abuse occurred where evidence indicates otherwise.

H. A request by the victim not to arrest the suspect.

I. Location of the incident (public/private).

J. Speculation that complainant may not follow through with the prosecution.

K. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

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

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320.3.1 MANDATORY ARRESTS

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

A. An order has been issued of which the person has knowledge under RCW 26.44.063, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person.

B. A foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime.

C. A crime has been committed pursuant to the criteria in RCW 10.31.100(2), RCW 10.31.100(3), or RCW 10.99.030(6)(a).

320.3.2 DUAL ARRESTS

In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the primary physical aggressor in any incident. The primary physical aggressor is the person determined to be the most significant, and not necessarily the first aggressor. In identifying the primary physical aggressor, an officer shall make reasonable effort to consider the following (RCW 10.31.100(2)(c)):

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

B. The comparative extent of injuries inflicted or serious threats creating fear of physical injury.

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

320.3.3 RELEASE

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

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320.3.4 VICTIM'S RIGHTS

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

320.3.5 MANDATORY FIREARMS PROVISIONS

A peace officer who responds to a domestic violence call and has probable cause to believe a crime has been committed SHALL (RCW 10.99.030.3.a):

A. Seize all firearms and ammunition the peace officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense;

B. Seize all firearms in plain sight or discovered pursuant to a lawful search; and

C. Request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access until a judicial officer has heard the matter.

D. The peace officer SHALL separate the parties and inquire of the victim:

1. If there are any firearms or ammunition in the home that are owned or possessed by either party.

2. If the alleged abuser has access to any other firearms located off-site; and

3. Whether the alleged abuser has an active concealed pistol license, so there is a complete record for future court proceedings.

4. The inquiry should make clear to the victim that the peace officer is not asking only about whether a firearm was used at the time of the incident but also under other circumstances, such as whether this alleged abuser has kept a firearm in plain sight in a manner that is coercive, has threatened use of firearms in the past, or has additional firearms in a vehicle or other location. Law enforcement personnel may use a pictorial display of common firearms to assist the victim in identifying firearms.

320.3.6 PROTECTION ORDER VIOLATIONS

A willful violation of a no-contact provision of a court order is a criminal offense and shall be enforced accordingly to preserve the integrity and intent of the domestic violence act (RCW26.50.110 (1)). An officer shall arrest without a warrant and take into custody a person whom the officer has probable cause to believe has violated a valid protection order (RCW chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34), or a valid foreign protection order that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order (RCW 26.50.110 (2)).

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320.4 ORDERS OF PROTECTION

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

A. Orders of Protection.

1. Orders of Protection must be personally served on the respondent by law enforcement or a process server; unless the court has ordered service by publication. The plaintiff cannot serve the respondent.

B. Civil Restraining Order.

1. A restraining order is served on the respondent or the respondent's attorney. Usually this is part of a civil process, e.g., divorce.

C. Criminal Court Orders.

1. A criminal No-Contact order is served on the defendant upon release from jail, at arraignment or sentencing. This department maintains a complete and systematic record of all outstanding court orders and proof of service (RCW 26.50.100(1)).

D. Orders requiring firearms surrender.

1. If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section, the order must be served by a law enforcement officer. (RCW 9.41.800 (8))

320.4.1 SERVING A PROTECTION ORDER

Whenever a member of this department serves or assists in serving a court order and that service is completed, a Return of Service form shall be completed and submitted to the Washington Crime Information Center (WACIC). Such forms shall include:

A. Such forms shall include:

1. Who was served
2. What documents were served
3. Court order name and number
4. Date and time of service
5. Address where service occurred
6. Serving officers’ names, signatures and personnel numbers

B. When serving an order requiring firearms surrender:

1. The officer shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in his or her custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license.

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2. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search.
3. The officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent.

320.4.2 ENFORCING A PROTECTION ORDER

A. When officers respond to alleged violations of court orders, it is necessary to verify the court order and its service through the Combined Communications Center prior to taking any enforcement action. All restraining orders issued in Washington are facially valid statewide. The court orders can be verified by:

1. A proof of service attached to the plaintiff's copy of the order, showing service on the respondent - no further verification is required.
2. Washington Crime Information Center (WACIC) check.
3. Contacting the law enforcement agency in the jurisdiction where the order was issued.
4. Contacting the Court Clerk's office.
5. Determining that the respondent has knowledge of the order:
   (a) No proof of service is required for No-Contact orders as the respondent's presence is required at the time of issue.
   (b) If the order has been served, but neither the complainant nor the respondent has a copy reflecting the terms of the order, request that dispatch check the terms.

B. If the order is not verifiable:

1. The order shall not be enforced and the complainant should be advised to contact the court that issued the order, or the attorney who drafted the order.
2. Arrest the suspect if probable cause exists that a separate crime has been committed.

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

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

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A. Disputes regarding provisions in out-of-state protection orders dealing with custody of children, residential placement of children or visitation with children will be resolved judicially. Officers will not remove a child from his/her current placement unless:

1. A writ of habeas corpus to produce the child has been issued by a superior court of Washington State; or
2. There is probable cause to believe that the child is at risk of being abused or neglected and the child would be injured or could not be taken into custody if it were necessary to first obtain a court order.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

A. Recognize that a victim's behavior and actions may be affected. Officers should not expect a linear/logical timeline statement from victims.

B. Provide the victim with the Department's domestic violence information handout, even if the incident may not rise to the level of a crime.

C. Alert the victim to any available victim advocates, shelters and community resources.

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

E. Seek medical assistance as soon as practicable for the victim if he/she has sustained injury, complains of pain, or mentions strangulation.

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. Provide the victim with information reference obtaining an emergency order if appropriate.

320.5.1 PHOTOGRAPHS OF INJURIES

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

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

320.5.2 OTHER EVIDENCE

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

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

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

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

320.6 DISPATCH ASSISTANCE

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

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. However, as soon as possible, once a call is dispatched, dispatch will attempt to verify the court order prior to the officer's arrival. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.6.1 WRITTEN NOTICE TO VICTIMS

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

> "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the City or County Prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order restraining your abuser from molesting or interfering with minor children in your custody; and (f) an order requiring your abuser to turn in any firearms and concealed pistol license in the abuser's possession or control to law enforcement and prohibiting the abuser from possessing or accessing firearms or a concealed pistol license for the duration of the civil order. The forms you need to obtain a protection order are available in any municipal, district, or superior court."

320.7 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

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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.

320.7.1 RECORD-KEEPING RESPONSIBILITIES

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

320.8 VERIFICATION AND SERVICE 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.

320.9 REPORTS AND RECORDS

A. Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(6) (b)). All such reports should be documented under the appropriate crime classification and should use the distinction “Domestic Violence” in the Type of Crime box of the crime report form (RCW 10.99.030(11)).

B. The peace officer shall document all information about firearms and concealed pistol licenses in the incident report. The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers address the heightened risk to victim, family, and peace officer safety due to the alleged abuser’s access to firearms (RCW 10.99.030.c). All such reports shall contain the following information:

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1. That the officer seized all firearms and ammunition believed to be used in the offense
2. That the officer seized all firearms in plain view or discovered pursuant to lawful means
3. That the officer requested consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access
4. That the officer separated the parties and inquired if there are any firearms or ammunition in the home that are owned or possessed by either party
5. If the alleged abuser has access to any other firearms located off-site
6. Whether the alleged abuser has an active concealed pistol license

C. Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Investigative Services Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.030(9)).

D. Records in incidents of domestic violence shall be submitted, in accordance with procedures described in RCW 10.99.030(12), to the Washington Association of Sheriffs and Police Chiefs.

320.10 DOMESTIC VIOLENCE LETHALITY ASSESSMENT PROGRAM

Lethality Assessment is a prevention strategy to reduce domestic violence homicides and serious injuries. It provides an easy and effective method for law enforcement to identify victims of domestic violence who are at the highest potential for being seriously injured or killed by their intimate partners and immediately connect them to a domestic violence advocate.

The Lethality Assessment Program is a multi-pronged intervention program that consists of a research-based lethality screening tool, an accompanying referral protocol that provides direction for the screener based on the results of the screening process, and follow-up contact and other best practices and protocols.

320.10.1 WHEN TO INITIATE THE LETHALITY ASSESSMENT

An officer shall initiate a Lethality Assessment using the LAP card when he/she responds to a domestic situation where the involved persons are Intimate Partners (current or former dating relationship, spouse or ex-spouse, have children in common) AND:

There is an arrest made for a DV crime; OR

The officer believes an assault has occurred; OR

The persons involved are repeat DV offenders; OR

The officer believes the victim faces danger once the officer clears; OR

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The officer believes based on training and experience that an assessment should be conducted.

320.10.2 COMPLETING THE LETHALITY ASSESSMENT

An officer will ask ALL eleven questions from the LAP tool. If the victim answers “Yes” to any one of questions #1 through #3 the protocol referral is triggered, also referred to as “screened in”. If the victim answers “Yes” to at least four questions #4 through #11, the protocol referral is triggered.

Tell the victim that people in similar situations have been killed and that you want them to speak to an advocate.

Phone the advocate. This step is mandatory if the LAP protocol is triggered, even if the victim does not want to speak to an advocate. Give the advocate the following information:

Victim’s name and DOB

Incident Number

Safe contact number for the victim

Which questions were answered “Yes”

Have the victim speak to the advocate. At the end of the conversation speak to the advocate to end the call.

If the victim refuses to speak to an advocate, phone the advocate and report the information above.

320.10.3 REPORTING

Place completed LAP card in designated place in Sergeant’s office.

The Incident report and charging document should also document that the LAP assessment was conducted and the specific questions that were answered “yes”. The report should also document that the officer contacted a DV advocate when necessary.

An option in the dropdown box under Modus Operandi is “DV-Children Present”, officers are to ensure this box is checked when applicable.

On charge request documents, list that the officer can testify to the fact a Lethality Assessment was conducted, which questions the victim answered “yes” to and the victim protocol was triggered.

320.11 GUN SURRENDER - INTIMATE PARTNER ORDERS REQUIRING SURRENDER OF FIREARMS

Washington State enacted this law so that it mirrors the Federal Law prohibiting gun possession by anyone subject to a domestic violence protection or restraining order. The law requires the court to order the abuser to surrender any firearms in his or her possession and file a proof of surrender with the court. The law also requires law enforcement to establish a procedure regarding surrendered firearms, and requires the administrative office of the courts to establish a form for the proof of surrender.

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When an officer becomes aware that an individual has a valid domestic violence protection or restraining order that requires the person to surrender their firearms the officer shall complete an investigation to determine if the individual has:

A. A firearm in their possession

B. Surrendered their firearms as required by the court issuing the order

When an officer determines that probable cause exists to believe that a person is in possession of a firearm after the court has ordered the person to not possess a firearm and to surrender the firearm the officer shall arrest the subject for a violation of RCW 9.41.040 (Unlawful Possession of a Firearm) and transport the subject to the Spokane County Jail.

When an officer determines that a person is required to surrender firearms pursuant to a domestic violence protection or restraining order and the person has not filed a surrender order with the court the officer shall attempt to determine the location of the person's firearms. If the firearms are still in the control of the person required to surrender the firearms the officer shall complete an investigation. If during the course of the investigation the officer can obtain control of the firearms the officer shall take the firearms to the property facility and log the firearms into the facility as "DV GUN".

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Search & Seizure

322.1 PURPOSE AND SCOPE

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

322.2 POLICY

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

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

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

322.2.1 SEARCH PROTOCOL

A. Members of this department will conduct person searches with dignity and courtesy.

B. Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.

C. Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.

D. When the person to be searched is of the opposite sex of the officer, an officer of the like sex should, if practical, conduct the search.

E. A search may be undertaken of a member of the opposite sex when it is not practical to use an officer of the like sex. In these instances the officers will adhere to the following guidelines:

1. A supervisor and/or one other officer should witness the search, if practical.
2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.

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F. The officer should explain to the person being searched the reason for the search and how the officer will conduct the search.

322.3 SEARCHES

322.3.1 RESIDENCE

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

322.3.2 PLAIN VIEW

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

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

A. It was viewed from a lawful location.

B. There is probable cause to believe that the item is linked to criminal activity.

C. The location of the item can be legally accessed.

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

322.3.3 EXIGENT CIRCUMSTANCES

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

A. Imminent danger of injury or death

B. Serious damage to property

C. Imminent escape of a suspect

D. The destruction of evidence

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

322.3.4 COURT ORDER TO LOCATE A CELLULAR PHONE OR DEVICE

Chapter 9.73 RCW has strict requirements for law enforcement officers wishing to locate a cellular device during emergency and non-emergency situations. Before contacting a cellular provider to locate a device, an officer shall:

A. Gain the prior approval of a supervisor of the rank of Lieutenant or higher; and

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B. Obtain prior verbal approval from one of the Spokane County Prosecuting Attorneys specifically authorized to approve device locates; and

C. Obtain a signed court order from Superior Court prior to the ping in non-emergency circumstances; or

D. Obtain a signed court order from Superior Court and file it within 48 hours after the ping for those situations involving exigent circumstances

No Court Order or prior authorization is required under RCW 9.73.070(2) when directing a service provider to ping a device that was used to place a call to 911 for emergency assistance.

The authorizing supervisor shall be responsible to ensure the ping is conducted consistent with state law and department training.

322.4 SEARCH PROTOCOL

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

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

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

A. The person may refuse to give consent if they so choose.

B. Once given, consent may be withdrawn at any point during the search.

C. The scope of the search may be limited.

D. Any evidence found during the search may be used against them or others in court.

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

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

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

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

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

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Temporary Custody of Juveniles

324.1 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 Spokane Police Department (34 USC § 11133).

324.1.1 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.

324.2 POLICY

The Spokane 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 Spokane Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Spokane Police Department:

A. Unconscious

B. Seriously injured

C. A known suicide risk or obviously severely emotionally disturbed

D. Significantly intoxicated

E. Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Spokane Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Spokane 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 Spokane Police Department without authorization of the arresting officer's supervisor or the Shift Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

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Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Spokane Police Department (34 USC § 11133; RCW 13.04.116(b)).

324.4.1 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 Spokane Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

324.4.2 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).

324.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Spokane Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

A. Pursuant to a court order.

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

C. When his/her parole has been suspended.

324.5 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).

(See 324.13 regarding juvenile "Miranda" rights.)

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody report, including:

A. Identifying information about the juvenile being held.

B. Date and time of arrival and release from the Spokane Police Department.

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C. Shift Commander notification and approval to temporarily hold the juvenile.

D. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

E. Any changes in status.

F. Time of all welfare checks.

G. Any medical and other screening requested and completed.

H. Circumstances that justify any secure custody.

I. Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Spokane Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

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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 Control Techniques and Devices Policy).

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

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Spokane Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. 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.

324.9.1 PREGNANT JUVENILES

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

324.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Control Techniques and Devices Policy).

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324.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

A. The juvenile shall constantly be monitored by an audio/video system during the entire custody.

B. Juveniles shall have constant auditory access to department members.

C. Initial placement into and removal from a locked enclosure shall be logged.

D. Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.

   1. All checks shall be logged.

   2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

   3. Requests or concerns of the juvenile should be logged.

E. Males and females shall not be placed in the same locked room.

F. Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

G. Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Bureau Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Spokane Police Department. The procedures will address:

A. Immediate request for emergency medical assistance if appropriate.

B. Immediate notification of the on-duty supervisor, Chief of Police and Investigation Bureau supervisor.

C. Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

D. Notification of the appropriate prosecutor.

E. Notification of the City Attorney.

F. Notification of the Medical Examiner.

G. Notification of the juvenile court.

H. Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

A. Officers should notify a juvenile's parents if a juvenile is to be interviewed and the juvenile is under twelve (12) years of age.

   1. Officers should attempt these notifications within a reasonable amount of time, but not as to interfere with the immediate investigation.

B. Advise the juvenile of their "Miranda" rights, including the Juvenile Warnings.

C. Custodial interrogations of a juvenile should not extend over periods of time that could be considered unreasonable or harassing.

D. The interrogation should be conducted by only those officers that are actively involved in the investigation.

   1. If the juvenile requests an attorney, the interrogation must cease until an attorney is present.

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

324.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

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324.15.1 RELEASE OF INFORMATION TO OTHER AGENCIES

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

324.16 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody.

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Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Spokane Police Department members as required by law.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

326.2 POLICY

The Spokane Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

326.3 MANDATORY NOTIFICATION

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

For purposes of notification (RCW 74.34.020):

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

B. Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.

C. A vulnerable adult is a person who is:

1. 60 years or older who has the functional, mental or physical inability to care for himself/herself.
2. Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.
3. Has a developmental disability as defined under RCW 71A.10.020.
4. Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).

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5. Is receiving services from an individual provider or licensed home health, hospice or home care agency.
6. Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

326.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (RCW 74.34.035):

A. All notification to DSHS shall be made immediately or as soon as practicable by telephone
B. Information provided shall include, if known:
    1. The name and address of the person making the report.
    2. The name and address of the vulnerable adult.
    3. The name and address of the facility or agency providing care for the vulnerable adult.
    4. The name and address of the legal guardian or alternate decision maker.
    5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
    6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
    7. The identity of the alleged perpetrator, if known.
    8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect or the cause of death of the deceased vulnerable adult.

326.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

A. Conduct interviews in appropriate interview facilities.
B. Be familiar with forensic interview techniques specific to adult abuse investigations.
C. Coordinate with Prosecutor's Office, other enforcement agencies, social service agencies and facility administrators as needed.
D. Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
E. Participate in or coordinate with multidisciplinary investigative teams as applicable.

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

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

326.4.2 STABILIZE THE SITUATION

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

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

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

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

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

326.4.3 SUPPORT PERSONNEL

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

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

326.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the City prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

A. The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

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B. Any relevant statements the victim may have made and to whom he/she made the statements.

C. If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

D. Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

E. Whether the victim was transported for medical treatment or a medical examination.

F. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

G. Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

H. Previous addresses of the victim and suspect.

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

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

326.6 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, members 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 supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

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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.

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

A. Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

B. A court order or warrant has been issued.

326.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist 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.

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326.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

326.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Bureau supervisor should:

A. Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

B. Activate any available interagency response when an officer notifies the Investigation Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

C. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

326.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

A. Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

B. Notify the Investigation Bureau supervisor so an interagency response can begin.

326.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

326.10.1 ARREST WITHOUT WARRANT

When an officer has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.50.110).

326.10.2 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

A. Providing a copy of the adult abuse report to DSHS as required by law.

B. Retaining the original adult abuse report with the initial case file.

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326.10.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

326.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

A. Participating in multidisciplinary investigations, as appropriate.

B. Conducting interviews.

C. Availability of therapy services for adults and families.

D. Availability of specialized forensic medical exams.

E. Cultural competence (including interpretive services) related to adult abuse investigations.

F. Availability of victim advocates or other support.

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Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY

The Spokane 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.

328.3 DISCRIMINATION PROHIBITED

328.3.1 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.

328.3.2 SEXUAL HARASSMENT

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

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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.

328.3.3 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 a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 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.

328.4 RESPONSIBILITIES

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

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

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

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

328.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

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

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

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

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

(e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

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

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

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

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

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

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

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

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

328.5.2 FORMAL INVESTIGATION

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

The Human Resources department 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.

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

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

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

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

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

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

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

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

328.6 NOTIFICATION OF DISPOSITION

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.

328.7 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 Human Resources Director, if more appropriate.
- Maintained for the period established by the current collective bargaining agreement.

328.8 TRAINING

All employees shall receive training on the requirements of this policy.

328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

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

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Child Abuse

330.1 PURPOSE AND SCOPE

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

330.1.1 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.

330.2 POLICY

The Spokane Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Spokane 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).

330.3.1 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.

330.4 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. Coordinate with Prosecutor's Office, other enforcement agencies, social service agencies and school administrators as needed.

D. Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

E. Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

330.4.1 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

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

A. Exigent circumstances exist. For example:

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

B. A court order or warrant has been issued.

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

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

330.5 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.

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

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

F. Whether the child victim was transported for medical treatment or a medical examination.

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

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

I. Previous addresses of the victim and suspect.

J. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

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

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

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult

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should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

A. A court order has been issued authorizing the removal of the child.

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

330.6.1 SAFE HAVEN LAW

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

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should NOT record a preliminary interview with suspected child abuse victims. When the child is under the age of ten (10), or is developmentally delayed, a CIS (Certified Child Interview Specialist) shall be utilized, unless it is absolutely necessary and immediate to ensure the child's safety. In most cases only a tactical interview should be conducted to determine the need for immediate L/E action. In cases where the child is between the ages of ten (10) and twelve (12), patrol officers must contact a law enforcement supervisor. When practical, that supervisor should consider consulting a CIS or their supervisor to determine the need for an immediate interview and its parameters. Law enforcement/CIS shall maximize the use of techniques that will elicit reliable information while minimizing the use of highly leading or coercive questions.

Generally, child victims should not be interviewed by a CIS in the home or location where the alleged abuse occurred.

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330.7.2 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.

330.7.3 TRAINING REQUIREMENT
Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

330.8 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.

330.9 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.

330.9.1 SUPERVISOR RESPONSIBILITIES
The Investigation Bureau 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

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endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

B. Activate any available interagency response when an officer notifies the Investigation Bureau 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.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

A. Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

B. Notify the Investigation Bureau Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

330.10.2 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).

330.10.3 CASE SUBMISSION TO PROSECUTOR

The Spokane 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.

330.10.4 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

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its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

330.10.5 LOCAL CHILD ABUSE PROTOCOLS
The Investigation Bureau 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.).

330.10.6 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).

330.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS
The Patrol/Precinct Major and Investigations/Administration Major shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

330.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

A. Participating in multidisciplinary investigations, as appropriate.

B. Conducting forensic interviews.

C. Availability of therapy services for children and families.

D. Availability of specialized forensic medical exams.

E. Cultural competence (including interpretive services) related to child abuse investigations.

F. Availability of victim advocate or guardian ad litem support.

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Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing persons investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who are:

A. 13 years of age or younger, or

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 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).

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332.2 POLICY

The Spokane 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 Spokane Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Bureau 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

332.4 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.

Any person with relevant, credible information suggesting that a person is missing may make a missing person report. A report shall be accepted without delay if:

A. The missing person resides, or was last known to reside, within the city limits and the missing person's last-known location is the missing person's residence and his or her location is unknown; or

B. There is credible information indicating that the missing person was last believed to be within the city limits.

If the last known location of the missing person is outside the jurisdiction of the City of Spokane, or does not meet the above guidelines, the reporting person will be referred to the jurisdiction where the missing person was last seen and/or was last residing. The member taking the report will attempt to provide the reporting person with the appropriate agency contact information and/or facilitate the contact with the appropriate jurisdiction.

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332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

A. Respond to a dispatched call as soon as practicable.

B. Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

C. Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see Policy 334, AMBER/Missing Person Alerts).

D. Consider initiating the “Child Abduction Response Plan” as outlined in the training bulletin by the same name. This option is available to field operations supervisors to be utilized when needed. This response plan includes contacts with the local FBI Resident Office. The FBI offers many resources that might aid in such a response and investigation. Those include, but are not limited to, the Cellular Analysis Survey Team (CAST) which can assist with the tracking of cellular phones and other electronic devices of the victim(s). Also included in the response plan as an optional technique is the initiation of an “informational checkpoint” to be established. These checkpoints are designed to seek information from citizens in the area in hopes of identifying witnesses, evidence or any other information that might lead to locating the victim of the abduction. The initiation of an “informational checkpoint” must be authorized at the DSO level. This requirement is also outlined under Policy 358, “Major Incident Notification – Command Emails and Notifications”.

E. 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.

F. Ensure that entries are made into the appropriate missing person networks, as follows:

   1. Immediately, when the missing person is at risk.

   2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

G. Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

H. Collect and/or review:

   1. A photograph and fingerprint card of the missing person, if available.

   2. A voluntarily provided biological sample of the missing person, if available (e.g. toothbrush, hairbrush).

   3. Any documents that may assist in the investigation, such as court orders regarding custody.

   4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

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I. When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).

   1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.

   2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases or WSP shall not be released except by court order.

   3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.

J. Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

K. Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

332.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise a supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not be limited to:

A. Reviewing and approving missing person reports upon receipt.

   1. Ensure the reports have been automatically sent to the Records Division.

B. Ensuring resources are deployed as appropriate.

C. Initiating a command post as needed.

D. Ensuring applicable notifications and public alerts are made and documented.

E. Ensuring that records have been entered into the appropriate missing persons networks.

F. Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

   1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include but are not limited to:

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A. As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the:

1. agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
2. agency of jurisdiction where the missing person was last seen.
3. agency of jurisdiction for the missing person's intended or possible destination, if known.
4. Investigations Bureau.

B. 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).

332.7 INVESTIGATION BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation will:

A. 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 will 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. 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. Consider contacting other agencies involved in the case to determine if any additional information is available.

D. 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. Continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

F. 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. Make appropriate inquiry with the Medical Examiner.

H. Obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

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I. 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. Consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

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

A. File a missing person's report with MUPU.

B. Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.

C. Ask the missing person's family or next of kin to give written consent to request the person's dental records.

1. Whenever possible, obtain diagnostic quality copies or original records of the missing person’s dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

332.8 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 a report, notify relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

Police Records should ensure that, upon receipt of information that a missing person has been located, the following occurs:

A. Notification is made via NCIC entry to MUPU, within 2 hours if the person was considered at risk;

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B. Entries are made in the applicable missing person networks;

C. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation via a "locate".

332.8.1 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.

332.9 CASE CLOSURE

An Investigation Bureau Supervisor may authorize the closure of a missing person case after considering the following:

A. When the missing person is confirmed returned or evidence matches an unidentified person or body.

B. If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

C. 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.

If the missing person is a resident of Spokane or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

332.10 TRAINING

Subject to available resources, the Major Crimes Unit Captain should ensure that members of this department whose duties include missing person investigations and reports receive appropriate training.

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AMBER/Missing Person Alerts

334.1 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.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 MEMBER RESPONSIBILITIES

Members of the Spokane Police Department should notify their supervisor, Shift Commander or Investigation Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Major and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Major.

334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police should designate a public alert reporting officer, who is responsible for:

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Being the point of contact with the Washington AMBER Alert Advisory Committee.

(c) Ensuring the Department has members who have completed the appropriate training.

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334.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Spokane Police Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

334.4.1 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.

334.4.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Commander or supervisor should:

(a) Ensure that department protocol is followed regarding approval of the alert.

(b) Ensure all appropriate documentation is completed.

(c) Contact the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).

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334.4.3 INITIAL NOTIFICATIONS
Upon initiation of an AMBER Alert, the Shift Commander or supervisor shall:

(a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.

(b) Promptly notify the Chief of Police and the appropriate Bureau Commander of any AMBER Alert activation.

(c) Ensure the preparation of an initial press release that includes all the information required 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.

334.4.4 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.

334.5 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 Spokane Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. 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.

334.5.1 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

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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.

334.5.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Commander or supervisor should:

(a) Direct Records Division personnel to prepare the Endangered Missing Person Advisory administrative message through A Central Computerized Enforcement Service System (ACCESS). The words "Endangered Missing Person Advisory" should be included in the title of the message.

(b) Contact the WSP Missing Persons Unit (MPU) to verify that it received the advisory.

(c) Direct Records Division personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).

(d) Advise Combined Communications Center of the advisory and ensure that it is prepared to handle a high volume of telephone calls.

(e) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(f) Direct the Records Division to enter the photograph into WACIC and NCIC, then send an e-mail to the WSP MPU.

(g) Appoint a Public Information Officer to handle the media.

1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.

2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.

(h) The Records Division personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through ACCESS, noting that the person has been found.

334.6 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

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apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Spokane Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

334.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

(a) The suspect has not been apprehended.

(b) The suspect poses a serious threat to the public.

(c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.

(d) The release of the information will not compromise the investigation.

(e) The release of the information will not improperly notify an officer's next of kin.

334.6.2 PROCEDURE

Should the Shift Commander or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Commander or supervisor should:

(a) Direct Records Division 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 Combined Communications Center 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.

334.7 OTHER RESOURCE CONSIDERATIONS

The Shift Commander or supervisor should consider the following resources, as appropriate:

(a) Local allied law enforcement agency resources

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(b) FBI local office

(c) The National Center for Missing and Exploited Children (NCMEC)

1. Monitor the Cyber Tipline® link and post missing children alerts

(d) The National Oceanic Atmospheric Administration (NOAA)

1. Will relay AMBER Alerts over Weather Radio

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Victim Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Spokane Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Spokane Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

Every employee reporting or investigating a crime where a victim has suffered injury as a direct or proximate cause of that crime will ensure the victim has been provided with information about the existence of the local victim assistance resources. This advisement shall include presenting the victim with a Crime Victim Rights Pamphlet (RCW 7.69.030(1)).

336.3.1 SPECIFIC VICTIM LIAISON DUTIES

It shall be the primary responsibility of the reporting officer to make the required advisement. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the reporting officer shall document that such advisement was not completed in the related report so that advisement can be attempted at a later time by the assigned investigator.

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030(9)).

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336.5 VICTIM INFORMATION

The Quartermaster shall ensure that victim information handouts are available and current. These should include as appropriate:

A. Shelters and other community resources for victims of domestic violence.

B. Community resources for victims of sexual assault.

C. Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

D. A clear explanation of relevant court orders and how they can be obtained.

E. A place for the officer's name, badge number and any applicable case or incident number.

336.6 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.

336.7 WITNESS INFORMATION

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Administrative Services Supervisor shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

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Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily injury, physical injury, or bodily harm - Physical pain or injury, illness, or an impairment of physical condition.

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.

338.3 CRIMINAL STATUTES

338.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

A. Causes physical injury to the victim or another person.

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B. Causes physical damage to or destruction of the property of the victim or another person.

C. Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

338.3.2 PRESUMED ACTS CONSTITUTING HATE CRIME OFFENSES

There is a presumption that the person intended to threaten a specific victim or group of victims because of the person's perception of the victim's or victims' race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability if the person commits one of the following acts:

A. Burns a cross on property of a victim who is or whom the actor perceives to be of African American heritage;

B. Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika;

C. Defaces religious real property with words, symbols, or items that are derogatory to persons of the faith associated with the property;

D. Places a vandalized or defaced religious item or scripture on the property of a victim who is or whom the actor perceives to be of the faith with which that item or scripture is associated;

E. Damages, destroys, or defaces religious garb or other faith-based attire belonging to the victim or attempts to or successfully removes religious garb or other faith-based attire from the victim's person without the victim's authorization; or

F. Places a noose on the property of a victim who is or whom the actor perceives to be of a racial or ethnic minority group.

338.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIME OFFENSES

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 crime offenses by:

A. Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crime offenses to form and cooperate with prevention and response networks.

B. Providing victim assistance and follow-up as outlined below, including community follow-up.

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C. Educating community and civic groups about hate crime offense laws.

338.6 PROCEDURE FOR INVESTIGATING HATE CRIME OFFENSES

Whenever any member of this department receives a report of a suspected hate crime offense or other activity that reasonably appears to involve a potential hate crime offense, the following should occur:

A. Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

B. A supervisor should be notified of the circumstances as soon as practical.

C. Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

D. The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

E. Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

F. The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

G. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

H. The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

I. All cases will be forwarded to the Investigative Bureau for investigative follow-up and/or reporting to WASPC.

338.6.1 INVESTIGATION BUREAU RESPONSIBILITY

When a case is assigned or forwarded to the Investigation Bureau, the assigned detective will be responsible for following up on the reported hate crime as follows:

A. Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.

B. Maintain contact with the victim(s) and other involved individuals as needed.

C. The CIU supervisor shall maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

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338.7 TRAINING

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

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Disciplinary Policy

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

The following actions are misconduct:

A. Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

B. Failure to report to work or to place of assignment at time specified and fully prepared to perform duties to include all duty assignments whether extra-duty, overtime details, or regular duty assignments.

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340.3.2 CONDUCT

The following actions are misconduct:

A. Fighting, or threatening other employees in the workplace.

B. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without notifying the Chief of Police of such action.

C. Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and privileged records.

D. Failure to notify the department within 24-hours of any change in residence address and home phone number.

E. Engaging in horseplay resulting in injury or property damage.

F. Unauthorized possession of, loss of, or damage to department property or endangering it through unreasonable carelessness.

G. Failure of any employee to promptly and fully report activities on the part of any other employee where such activities may result in criminal prosecution and when such activity may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position.

H. Failure of any employee to report activities that have resulted in official contact by any law enforcement agency, that resulted in a criminal charge that may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position, excluding off-duty traffic infractions.

I. The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.

J. Seeking restraining orders against individuals encountered in the line of duty without notifying the office of the Chief of Police.

K. Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.

L. Solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.

M. Engaging in on-duty sexual relations.

N. Becoming surety or guarantor or going on bond of or furnishing bail for any person, except for immediate family members, arrested for a crime, without notifying the Chief of Police.

340.3.3 DISCRIMINATION

The following actions are misconduct:

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A. To discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

It is misconduct to commit any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

340.3.5 PERFORMANCE

The following actions are misconduct:

A. Unauthorized sleeping during on-duty time or assignments.

B. Concealing or attempting to conceal evidence of misconduct.

C. Unauthorized access and/or, intentional release of designated confidential information, personnel file materials, data, forms or reports.

D. Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.

E. The wrongful or unlawful exercise of authority.

F. Knowingly making false or misleading statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.

G. Knowingly making malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.

H. 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.

I. Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).

J. The unauthorized use of any badge, uniform, identification card or other department equipment or property.

K. Accepting fee or gift: Members shall not directly or indirectly accept from any person liable to arrest, or in custody, or after discharge, or from any friend or relative of such person, any gratuity, fee, loan, or gift whatsoever.

L. Members shall not accept any fee, gift, or reward from any person or organization which is given to benefit the member as an individual, rather than the entire Department, when the fee, gift, or reward is given to recognize an act or deed which the member performed in the course of his/her duties. "Fee, gift, or reward" shall not include plaques, awards, or symbols of recognition, which are of slight, incidental monetary value.

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M. Accepting product or service: Members shall not accept any product or service from merchant at a rate not offered to general customers of the merchant.

1. Two exceptions exist to the above policy:

(a) Events/functions of an appreciative nature approved in advance, in writing, by the Chief of Police (e.g., an annual breakfast hosted by a not-for-profit organization to show support for public safety).

(b) Awards of a monetary value distributed in conjunction with graduation from the Washington State Criminal Justice Training Commission's Basic Law Enforcement Training Academy.

N. Work related dishonesty, including attempted or actual theft of department property, or the property of others.

O. Unauthorized removal or possession of departmental property or the property of another employee.

P. 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.

Q. Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures. This is not intended to interfere with the officers reasonable use of discretion in the enforcement of the law.

R. Misappropriation or misuse of public funds.

S. Exceeding lawful peace officer powers.

T. Unlawful gambling or unlawful betting on department premises or at any work site.

U. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the department.

V. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized.

W. Engaging in political activities during assigned working hours except as expressly authorized.

X. Violating any felony statute or any misdemeanor statute where such violation may materially affect the employee's ability to perform official duties or may be indicative of unfitness for his/her position.

Y. Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

Z. False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.

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AA. While on duty or in an official capacity, recommend or suggest to any person the employment or hire of a specific person as an attorney or counsel, bail bondsman, towing service, or other services with a nexus to the department.

AB. Members shall not serve civil process, such as Summons and Complaint or a Summons and Petition, or other civil process on a voluntary basis or for pay. This policy does not include the lawful service of orders, notices or other official documents in the performance of their duties.

AC. Conduct unbecoming: No member of the department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.

AD. Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

340.3.6 SAFETY

The following actions are misconduct:

A. Failure to observe written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

B. Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.

C. Substantiated unsafe or improper driving in the course of employment.

D. Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

The following actions are misconduct:

A. Unauthorized access and/or, intentional release of designated confidential information, materials, data, forms or reports.

340.3.8 DILIGENCE TO DUTY

The following actions are misconduct:

A. Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

340.3.9 SUPERVISION RESPONSIBILITY

The following actions are misconduct:

A. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.

B. Failure of a supervisor to appropriately report known misconduct of an employee to his/her immediate supervisor or to document such misconduct as required by policy.

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C. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020 and RCW 41.12.090.

340.5 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of the investigation. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

340.6 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

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Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

It is the policy of the Spokane Police Department that members shall use information technology resources, including computers, software and systems that are issued or maintained by the Department in a professional manner and in accordance with this policy.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Spokane Police Department, which are provided for official use by department employees.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware". This does not include files created by the individual user.

Temporary File or **Permanent File** or **File -** Shall mean any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 RESTRICTED ACCESS

Access to the agency's computer system is secure with restricted access to those who are authorized and who have passed a background investigation.

342.4 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

342.5 DEPARTMENT PROPERTY

All information, data, documents and other entries initiated on any department computer, whether downloaded or transferred from another department computer, shall remain the exclusive property of the department and shall not be available for personal or non-departmental use without the expressed authorization of the employee's supervisor.

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisor or Shift Commander.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.5.1 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. Each fixed and mobile computer workstation has an up-to-date copy of agency-approved, security software installed and running while the equipment is in use.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that are 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.

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342.5.2 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.

342.5.3 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

342.5.4 INTERNET USE

Employees are allowed limited use of equipment and facilities to access the Internet for purposes other than those directly or indirectly related to the activities of the City. The following rules, while not all-inclusive, shall apply to unofficial use of Internet access:

- The use shall not cause additional cost to the City of Spokane.
- The equipment being utilized to access the Internet shall be that which is normally utilized by the employee, and there shall be no disruption/disturbance to another employee's work area.
- Time spent on the Internet shall not negatively impact the employee's ability to do his/her job.
- Use of the equipment to access the Internet shall not disrupt other City functions.
- Personal files must be saved only to removable media, not to the fixed system hard drive.
- Installation of Internet access circuits to City facilities without approval of the Management Information Services Department is prohibited.
- Conducting business enterprise transactions unrelated to a City enterprise, either profit or non-profit is prohibited.
- No use shall violate any other Spokane Police Department policy.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

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Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.6 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 INSPECTION OR REVIEW

A supervisor or an authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

342.8 CAD/RMS PASSWORDS

In order to assure the security of our information systems and meet the requirements of technical audits, the following criteria for CAD/RMS passwords shall be followed:

- Minimum of eight characters.
- Contain a mix of characters and numbers.
- User IDs and CAD/RMS Passwords shall be different.

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- Passwords shall change every 90 days.
- Passwords shall not be reused in fewer than ten changes.
- Shall not be shared or disseminated except when directed by supervisory or court order.
- Users shall not leave CAD/RMS passwords under the keyboard, posted on the monitor, typed in unsecured documents, send them through e-mail, left in open, visible locations, etc.
- Users shall log off of the software at the end of their shift or when someone else wants to use CAD/RMS.

342.9 COMPUTER AND COPIER HARD DRIVES

The Spokane Police Department handles sensitive law enforcement related data and information. This information is often stored on computers, copiers and other devices owned by the Police department.

Once a device, copier or computer is to be taken out of service by the department, the hard drive within that device must be destroyed in compliance with guidelines set forth by the following governing agencies, policies or laws. Federal mandates require compliance with stringent laws such as the Health Insurance Portability and Accountability Act (HIPPA), the Gramm-Leach-Biley Act (GLB), Personal Information and Protection and Electronics Documents Act (PIPEDA), and the Sarbanes-Oxley Act (SOX) to protect medical, consumer, personal and financial records, respectively. Additionally, government agencies must comply with security-relevant policies, such as DISA's Security Technical Implementation Guide Requirements, NSTISSP #11 and DOD Directive 8500. FIPS Pub-199 will act as the policy regarding security categorization levels.

To meet these requirements, the internal hard drives will be removed and gathered by TARU, recorded by serial number and delivered to the Office of Professional Standards. The Office of Professional Standards will complete an audit, and conduct or witness departmental computer hard drive destruction and verify departmental compliance with the standards set forth. The Office of Professional Standards will retain the necessary records.

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Electronic Reporting

343.1 PURPOSE AND SCOPE

The accurate and timely reporting of police reports and information is a primary function and duty of law enforcement. The appropriate use of technology in accomplishing that function requires standard usage and policy. While this policy is specific to theNew World Mobile product, the principles and practices should be extended to any electronic method of report documentation.

343.2 DEFINITIONS

New World Mobile: A "Client/Server" relational database computer program. This program allows you to write, collect, store, sort, and retrieve data for cases and then print the case information onto forms or reports.

LERMS (Law Enforcement Records Management System): The central database repository where reports are stored.

Modules: Individual areas within New World Mobile for performing different tasks, such as Mapping, My Call, Call List, Unit Status, Vehicle Inquiry, Field Reporting, etc.

Field Reporting: The module in Mobile where reports are written, stored, sorted, submitted, and approved. Reports can be searched for within this module.

NIBRS (National Incident Based Reporting System): An incident-based reporting system used by law enforcement agencies for collecting and reporting data on crimes. NIBRS data is collected in field reports and NIBRS reports are generated in LERMS.

Report Status: A report can be viewed in any state or “STATUS”:

A. WORK IN PROGRESS – The author has not yet submitted the report for approval

B. SUBMITTED – The report has been submitted for approval to a Supervisor

C. UNDER REVIEW – The report is being reviewed by a Supervisor

D. ACCEPTED – The report has been approved and is waiting to be Merged

E. MERGED – The report passed Merge error checks and has been stored in LERMS

F. REJECTED – A Supervisor has returned the report to the author for correction

G. M-REJECTED – The report did not pass Merge error checks and was returned to the Supervisor Approval queue

Review Group: A label attached to a report based on the author’s current duty assignment. Supervisors can filter reports by Review Group to see only the reports for their division, unit, or precinct.

Sticky Notes: Temporary notes attached by report authors, supervisors and/or Merge operators to specific fields in a report form. This allows communication between report authors and reviews regarding the content of that field. Sticky Notes are deleted automatically during the Merge process.

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343.3 ELECTRONIC REPORTING

All officers and detectives are expected to be proficient in the use of the Field Reporting module, and will be required to attend New World Mobile training.

Officers should complete incident reports prior as soon as practical. If an officer is unable to complete a report immediately, they can save it to be completed later (see § 344.6, Delayed Reporting Writing). Delayed reporting necessitates supervisory approval.

343.4 DISTRIBUTING REPORTS

The Records Division will continue to be the main source for the distribution of police reports. No copies of Work In Progress or Submitted (i.e. unapproved) reports will be used as a work product. If the Records Division, Investigations, or Administration needs a copy of one of these reports, a supervisor will be notified.

343.5 WRITING REPORTS

A. When an officer has completed a report, they will submit that report for supervisor approval.

B. Officers will properly shut down all computer applications and turn off their assigned laptop at the end of their shift. Officers not assigned take-home cars will place their computer in the laptop cabinets for storage. Officers will not take the laptops home without supervisory authorization nor will they leave the laptops in a patrol vehicle once they have secured. Officers assigned take-home cars will not leave their laptops in their patrol vehicle at their residence, unless the laptop is locked in the car dock.

C. When multiple officers are writing reports for the same incident, only the primary officer will write the original Case Report. If an arrest was made, only the primary officer should list the Offenses in his report. All other officers will use the Case Supplement Form located in the Field Reporting module.

D. At the start of every shift, officers will be responsible to check the Field Reporting module for Rejected reports.

E. At the start of every shift, supervisors will be responsible for checking the Field Reporting module for M-Rejected reports of officers from his/her team.

F. At the end of every shift, officers will check the Field Reporting module to insure all completed reports have been submitted for approval. All arrest reports must be approved prior to securing at the end of shift.

343.6 APPROVAL PROCESS

A. Patrol Supervisors will review Submitted reports for Patrol Review Groups. Investigations Supervisors will review Submitted reports for Investigations Review Groups. Supervisors should review reports periodically during their shift and approve or return as many Submitted reports as possible before the end of their shift.

B. If reports are correct and complete, the supervisors will approve the report.

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C. Supervisors will electronically return insufficient reports to the officer. The supervisor will use Sticky Notes to inform the officer of the additional information needed to complete the report. To expedite the return process, the approving supervisor is encouraged to notify the officer via Chat or email that his/her report is being returned.

D. All arrest reports must be approved by a supervisor prior to the end of the officers' shift.

E. If an arrest report is to be returned and the officer cannot be reached, the supervisor reviewing the report will create a Case Supplement report explaining the reason the report is insufficient prior to approving the insufficient report. The reviewing supervisor will notify the officer's supervisor that the officer left prior to getting the arrest report approved.

343.7 CORRECTING APPROVED REPORTS

A. During the Merge process, an approved report is reviewed by the Records Division for NIBRS and other reporting errors. For NIBRS errors, the Records Division is authorized to make certain corrections. If the Records Division cannot make a required correction, then:

1. The Records Specialist will attach a Sticky Note(s) listing the required corrections and M-Reject the report back to the Supervisor Approval queue.

2. Supervisors will complete an error check on the M-Rejected report and review the Sticky Note(s) to determine if the requested corrections are accurate and required. If the corrections are necessary, then:

(a) For minor NIBRS or other statistical corrections (not related to offenses nor officer narratives), supervisors may make the corrections themselves and approve the report; or

(b) Supervisors will return the report back to the reporting officer for correction.

343.8 AUDIT PROCESS

The Records Division will conduct audits to determine the following:

- Ensure case supplemental reports are attached to the case reports
- Ensure customers are receiving documents

343.9 REQUEST FOR INCIDENT CLASSIFICATION REVIEW

Request for Incident Classification Review

The following protocol is applicable to all Commissioned Supervisors and pertains to previously APPROVED reports.

If any Police Service Area (PSA) Captain, or any other supervisor, would like to have an incident classification reviewed in order change that classification (upgrade or downgrade) they will complete the Onbase "Request for Incident Classification Review" form and submit the request to the Admin Captain.

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The Admin Captain will review the Request for Incident Classification Review (RICR), and will either approve or deny the request. If approved, the Admin Captain will forward an Onbase Report Correction Request to both the Officer and their supervisor. If the RICR is rejected, no Report Correction Request is sent and no changes are made to the incident classification.

Requests for Other Report Corrections/ Changes

In the event that any supervisor discovers any erroneous information, excluding incident classification, on any incident report they will notify the Records Specialist of the error. The Records Specialist will cause notification to be sent to the Officer for correction.

Audit

Auditing for both the Request for Incident Classification Review and Report Correction Requests will be a function of the Internal Affairs Unit. The frequency of an audit involving these forms will be determined by the Internal Affairs Unit.

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Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

Reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Addition of Perjury Statement to Police Reports

All Spokane Police reports are expected to be true and accurate to the best of the writer's knowledge and ability. This includes the reporting of statements given by victims, witnesses and suspects.While adding the State recognized declarant or perjury statement will not make it less likely officers will have to appear in court, police reports may be considered an official declaration and may be considered by the court for probable cause findings and other preliminary determinations that do not require the presence and live testimony of the officer.

RCW 9A.72.085 specifies that the declarant statement read:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

All police reports with a narrative portion shall include the above language.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

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344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

A. All arrests;

B. All felony crimes;

C. Non-felony incidents involving threats or stalking behavior;

D. Situations covered by separate policy. These include:

1. Use of Force Policy;
2. Domestic Violence Policy;
3. Child Abuse Policy;
4. Adult Abuse Policy;
5. Hate Crimes Policy;
6. Suspicious Activity Reports Policy.

E. All misdemeanor crimes where the victim desires a report.

344.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

A. Any use of force against any person by a member of this department (see the Use of Force Policy);

B. Any firearm discharge (see the Firearms Policy);

C. Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy);

D. Any found property or found evidence;

E. Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy);

F. Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy;

G. All protective custody detentions;

H. Suspicious incidents that may place the public or others at risk;

I. Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

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344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

A. Sudden or accidental deaths;

B. Suicides;

C. Homicide or suspected homicide;

D. Unattended deaths (No physician in attendance within 36 hours preceding death);

E. Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property, City equipment, or to the property of another by a City employee.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

A. The injury is a result of drug overdose;

B. Attempted suicide;

C. The injury is major/serious, whereas death could result;

D. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.2.6 SEXUAL ASSAULT

Any report of a sexual assault or attempted sexual assault shall be documented in a report.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Wherever possible, officers will type police reports. Officers should utilize department-approved programs and formats. If necessary, officers may handwrite reports when access to approved software is unavailable. In these instances, officers will use department-approved forms.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the officer, stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division and entered into LERMS shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been entered into LERMS by the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of a supervisor.

344.6 DELAYED REPORT WRITING

This section formalizes the process for delaying the writing of certain miscellaneous reports. This will also allow the officer the opportunity to do follow-up investigation. Utilizing this procedure will reduce overtime costs, allow officers more time to complete their reports and make this process more compatible with the demands for service. In order to delay the writing of an incident report, officers shall:

A. Contact the supervisor, advise of the type of report and ask for permission to delay its completion.

B. Upon the next work shift, complete the report in full. The following reports shall not be delayed:

1. Solvable felony crimes against persons;
2. Arrest reports;
3. Rapes;
4. Domestic violence;
5. Bias crimes;
6. Homicides;
7. Missing persons;

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8. Stolen vehicles;
9. Stolen guns;
10. Runaways;
11. Abuse/neglect against children and vulnerable adults;
12. Reports involving all settles;
13. Other reports as deemed appropriate by a supervisor.

Delayed reporting will not be authorized if an officer is beginning vacation, an extended absence, or his/her weekend. Overtime may be approved to give an officer time to write their report for any of the circumstances at the discretion of his/her supervisor.

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News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Majors, Shift Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

(d) At no time shall an employee offer opinions about a defendant's or suspect's character, guilt or innocence.

(e) Department representatives will not release admissions, confessions or contents of statement attributable to a defendant or suspect; or statements concerning the credibility or anticipated testimony of prospective witnesses; or any other information for the purpose of influencing the outcome of a criminal trial.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

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(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public; these credentials will be issued by Spokane County Security.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. In situations where media access would appear to interfere with emergency operations and/or a criminal investigation, a reasonable effort should be made to provide media representatives with access to a designated media area.

(c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in SPD custody shall not be permitted.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer (PIO).

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The department will maintain a daily CAD log of significant law enforcement activities that shall be made available to media. **All records released by the SPD shall be in conformity with Records policy**. Information that may be released to the media:

- Name, age, sex, residence, marital status and occupation of recently arrested person (unless juvenile)
- Substance or text of charge or alleged offense
- Identity of investigation and arresting units or agencies and length of investigation
- Circumstances immediately surrounding arrest, including time and place of arrest, resistance, pursuit, possession of weapons, and description of items seized at time of arrest
- The photographing of an arrested person by the news media in public places should neither be prevented nor encouraged; however, when photos are taken, the person should not be posed.

346.4.1 RESTRICTED INFORMATION

Information that may **not** be released to the media:

- Specific intelligence information compiled by SPD members, the non-disclosure of which is essential to effective law enforcement or for protection of any person's right to privacy

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- Information that may identify juveniles or their families, unless and until the juveniles have been formally charged with a criminal offense and declined by the juvenile court
- Information revealing the identity of victims, witnesses, or persons who file complaints and/or reports with the Spokane Police Department, if such disclosure might endanger any person's life, physical safety, or property
- Statements or other information for the purpose of influencing the outcome of a criminal trial
- Opinions about a defendant's or suspect's character, guilt, or innocence
- Admissions, confessions, or contents of a statement or alibi attributable to a defendant or suspect
- Amount of money taken in a robbery; type and caliber of suspect's weapon; any reference to fingerprints or security video cameras unless requested by the lead investigator that this information be released; the name of the hospital where injured are taken
- References to the results of an investigative procedure, such as fingerprints, polygraph examinations, ballistic tests, or laboratory examinations
- Statements concerning the credibility or anticipated testimony of prospective witnesses
- Opinions concerning evidence or arguments of a case, whether or not it is anticipated that such evidence or argument will be presented at trial
- Home address or home telephone number of department employees, or other personal information, without their express written consent
- Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

346.4.2 RELEASE OF INFORMATION REGARDING INTERNAL AFFAIRS

Only the Chief of Police or authorized representative may release information concerning Internal Affairs investigations or actions.

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Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Spokane Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.1.1 DEFINITIONS

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

Subpoena Duces Tecum - Requires the recipient to produce and bring to a designated location, certain records or items.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by reading it to the witness, or by delivering to him/her a copy at his/her residence. (RCW 12.16.020, WA CR 45) . Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him/her a copy thereof, or by leaving such copy at the place of his/her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or the department front desk staff shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena that has not been routed through the front desk shall immediately provide the subpoena to the front desk staff.

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(b) When an official notice or subpoena is received at the front desk, the desk staff shall:

1. Initial and date/time-stamp the official notice or subpoena.
2. Deliver the official notice or subpoena to the employee's mail box.
3. Time sensitive official notices or subpoenas may be hand delivered by the prosecutor after their copy is signed, time/date-stamped and recorded at the front desk.
4. Maintain a chronological log documenting date and time of receipt, and date and time of delivery to the supervisor's mail box.

(c) The supervisor shall serve the employee with the official notice or subpoena at the earliest opportunity. If the employee is unavailable due to vacation, illness, etc., the supervisor shall note on the document the circumstances for non-delivery and return the document to the front desk staff. The front desk staff shall notify the prosecutor of the circumstances.

348.2.4 REFUSAL OF SUBPOENA

(a) Upon receiving a subpoena, it will be the officer's responsibility to contact the prosecutor's office to inform them of the officer's availability. The courts have established a 24/7 phone number to advise officers if the case they were subpoenaed for will be going to court that day. This phone service shall be utilized.

(b) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the prosecutor's office with a specified reason for refusal as well as the dates when the officer will become available. It shall be the responsibility of the employee who is subpoenaed to notify the assigned prosecutor or other attorney of record of their bona fide unavailability.

348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Spokane Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.6 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

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348.3 CIVIL SUBPOENAS

The department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Collective Bargaining Agreement. In such situations where the employee is required to appear out of Spokane County, the department will arrange for reasonable and necessary travel.

The department may seek reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or department is not a party.

348.3.3 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Spokane Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Spokane Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

348.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Collective Bargaining Agreement.

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348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

348.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

1. Officers when testifying in Spokane County District Court may wear the uniform of the day.
2. On-duty officers may wear the traditional long-sleeve uniform shirt with tie in Superior Court.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the United States of America, State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, and appropriate government attorney as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against the United States and any county, any city, or their officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than the United States or any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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348.7.1 EXPERT WITNESS

Employees are not to testify as an expert witness or request or accept any fees for appearing in court without authorization from the Chief of Police.

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Court Preparation and Appearance by Former Employees

349.1 PURPOSE AND SCOPE

This policy sets forth the guidelines used when an employee who leads a major criminal investigation, leaves the department prior to the matter reaching resolution in court. The role of the primary investigator in major criminal cases is essential to completing the work of the police department and bringing major cases to justice. Due to the time spent processing the crime scene and interviewing victims, witnesses and suspects, the primary investigator has an unparalleled knowledge of the case. Therefore, it is often essential that the primary investigator, even if no longer an employee, be the primary witness and representative for the case.

349.2 POLICY

This department, when practical, will hire former employees to assist with the prosecution of major criminal cases. The former employee will be hired and paid under a “temp-seasonal employee” status similar to background investigators used by the Police Training Center. The rate of pay will be the same.

349.3 PROVISIONS AND RESTRICTIONS

The following factors are used to evaluate and determine the utilization of a former employee. The factors may be waived by the Investigation Bureau Commander.

- The employee must have left under good standing.
- The case must be a Class A or B felony.
- The case must be of a significant nature/impact.
- The employee must have been the lead investigator.
- The prosecutor must request the investigator’s service.
- The investigator must be deemed crucial to the case by the Bureau Captain.
- The employee must adhere to Departmental policy and procedures while under “temp-seasonal” status.
- Any potential issues related to compensation under this policy and its effect on retirement benefits are solely the responsibility of the former employee to investigate and resolve.

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Reserve Officers

350.1 PURPOSE AND SCOPE

The Spokane Police Department Reserve Program was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who support, but do not supplant regular staffing levels.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Spokane Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment (RCW 43.101.095). The following exceptions apply:

- No college credits are necessary.
- Citizenship is not required with an alien firearms license.
- There is not a civil service exam.

Upon appointment to the Police Reserve Unit, an applicant must complete, a CJTC approved basic academy or Reserve academy (WAC 139-05-810).

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for Reserve officers is provided as follows:

All Reserve officers will be issued one set of summer and winter uniforms, all designated attire, and any duty/safety equipment as would be identically provided to a full-time Officer (Policy § 350.3.1). The special event (summer bicycle patrol) uniform may be issued to any Reserve officer working an event where that uniform is authorized to be worn. A detailed list of issued equipment will be maintained by the Volunteer Services Unit.

The department shall pay the necessary fees to enroll all Reserve Officers in the PORAC Legal Defense Fund.

All property issued to the Reserve officer shall be returned to the department upon termination or resignation.

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350.2.4 MEDICAL COVERAGE

As per RCW 51.12.035, in most cases a volunteer injured in the course of employment is entitled only to medical aid benefits.

All Reserve officers are covered under the self-insured policy of the City of Spokane for all medical aspects of an injury that occurs while doing official Police business (see the City of Spokane medical policy for detailed information).

Official police business will include any type of activity a person is performing in their role as a Reserve police officer.

The City of Spokane will not, however, pay for any wages, earnings, or any other reimbursement for time lost from any occupation or schooling that occurs due to an injury that has occurred while working as a Reserve police officer.

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. The goal of the Reserve officer program is to provide departmental support. Assignments of Reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the department as needed. Reserve officers are required to work a minimum of 26 hours per month. Specific training and duties will be in accordance with the Reserve SOP's.

350.3.1 POLICY COMPLIANCE

Reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each Reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn Reserve officer unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS

All Reserve officers will be assigned to duties by the Volunteer Services sergeant or his/her designee.

350.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Volunteer Services sergeant.

The Volunteer Services sergeant shall have the responsibility of, but not be limited to:

A. Assignment of Reserve personnel.

B. Conducting Reserve meetings.

C. Establishing and maintaining a Reserve call-out roster.

D. Maintaining and ensuring performance evaluations are completed.

E. Monitoring individual Reserve officer performance.

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F. Monitoring the overall Reserve Program.

G. Maintaining liaison with other agencies.

350.4 FIELD TRAINING

350.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train Reserve officers during their probationary phase, are subject to Shift Commander's approval.

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, Reserve officers will be assigned to a series of Reserve mentors on each shift. The Reserve mentors will be assigned by the Volunteer Services sergeant. Reserve officers will be assigned to work with their Reserve mentors for the duration of their probationary phase. This time shall be known as the probationary training phase.

350.4.3 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the probationary training phase, the Volunteer Services sergeant will review the Reserve officer's progress.

If the Reserve officer has progressed satisfactorily, he/she will then proceed to the status of Level I. If he/she has not progressed satisfactorily, the Volunteer Services sergeant will determine the appropriate action to be taken. Refer to Reserve SOP's for specifics.

350.4.4 SECONDARY TRAINING PHASE

The Level I training phase shall consist of a continuation of training within the Patrol Division. The Reserve officer will no longer be required to ride with his/her Reserve mentor. The Reserve officer may now ride with any officer designated by the Shift Commander.

During the Level I training phase, the Reserve officer's performance will be closely monitored by the Volunteer Services sergeant and patrol supervisors.

350.4.5 COMPLETION OF THE FORMAL TRAINING PROCESS

When a Reserve officer has satisfactorily completed all phases of formal training, he/she will have had a minimum of 18 months of on-duty training. The Reserve officer may now be assigned to ride with any officer.

350.4.6 LEVEL II TRAINING PHASE

This will not be a requirement for any Reserve officer. If a Level I Reserve officer wants to advance to a Level II status it will be done in accordance to the Reserve SOP’s.

350.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers shall be under the immediate supervision of a regular sworn officer. The immediate supervision requirement shall continue for Reserve officers unless special authorization is received from the Volunteer Services sergeant with the approval of the Reserve chain of command.

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350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Level II Reserve Officers will be authorized to function without immediate officer supervision. Per Reserve SOP's, there are required evaluations on each level.

350.5.2 RESERVE OFFICER MEETINGS
All Reserve officer meetings will be scheduled and conducted in cooperation with the Volunteer Services sergeant and inter-department instructors. All Reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Volunteer Services sergeant. Probationary Reserve officers cannot have more than two excused absences from the scheduled monthly Reserve training during their probationary period.

350.5.3 IDENTIFICATION OF RESERVE OFFICERS
All Reserve officers will be issued a uniform badge and a department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

350.5.5 INVESTIGATIONS AND COMPLAINTS
If a Reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation will be investigated at the direction of the Chiefs office.

Reserve officers are considered at-will employees with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a Reserve officer shall be accomplished as outlined in the Policy Manual.

350.5.6 RESERVE OFFICER EVALUATIONS
While in training, Reserves will be continuously evaluated using standardized daily and weekly observation reports. The Reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated per Reserve Program SOP's using performance dimensions applicable to the duties and authorities granted to that Reserve.

350.6 FIREARMS REQUIREMENTS

350.6.1 CARRYING WEAPON ON DUTY
It is the policy of this department to allow Reserves to carry firearms only while on duty or to and from duty.

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350.6.2 CONCEALED PISTOL PROHIBITED

No Reserve officer will be permitted to carry a concealed pistol while in an off-duty capacity, other than to and from work, except those who possess a valid Concealed Pistol License. An instance may arise where a Reserve officer is assigned to a plainclothes detail for his/ her assigned tour of duty. Under these circumstances, the Reserve officer may be permitted to carry a pistol more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any Reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental policy § 312.

350.6.3 RESERVE OFFICER FIREARM TRAINING

All Reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

A. All Reserve officers are required to qualify at least once per year, normally done as part of their monthly training.

B. Reserve officers may shoot at the department approved range at any time with the approval of the department Range Master.

C. Should a Reserve officer fail to qualify, that Reserve officer will not be allowed to carry a firearm on duty until he/she has reestablished his/her proficiency.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Volunteer Services sergeant shall develop a plan outlining an emergency call-out procedure for Reserve personnel.

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Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Combined Communications Center supervisor. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor as soon as practical (i.e., an emergency request may be responded to immediately and notification made after the fact). Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a CAD number will be generated.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If pre-planned assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions.

352.1.3 WASHINGTON MUTUAL AID PEACE OFFICERS POWERS ACT

Officers of the Spokane Police Department will comply with RCW 10.93, Washington Mutual Aid Peace Officers Powers Act.

Refer to Policy Manual § 426 for reporting police activity outside jurisdiction.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Spokane 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.

356.2 POLICY

It is the policy of the Spokane Police Department to abide by the policy of the Spokane County Sheriff's Office, Community Protection Act (SCSO Policy 356).

The Spokane Police Department shall monitor registered offenders living within this jurisdiction and take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

Registration shall be handled by the Spokane County Sheriff’s Office and comply with RCW 43.43.540 and the Spokane County Sheriff’s Office Policy 356.

356.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Offenders lacking a fixed residence must report weekly, in person, to the sheriff's office where he/she is registered. Forms used to record where the offender stayed during the week should include an express request for offenders to provide an accurate accounting of where they stayed to the county sheriff.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

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356.3.2 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.

356.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

A. Efforts to confirm residence using an unobtrusive method, such as an Internet search, drive-by of the declared residence or address verification under RCW 9A.44.135.

   1. When notice is received that a sex offender is moving outside the jurisdiction of the Spokane Police Department, the Investigation Bureau supervisor is responsible for address verification until the registrant completes registration with a new residential address (RCW 9A.44.130(5)).

B. Review of information on the WASPC Sex Offender Information website.

C. Contact with a registrant's community correction officer.

D. Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to WASPC.

The Investigation Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Spokane Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief

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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 Spokane Police Department's website.

The Records Manager shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

356.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Release notification shall be handled by the Spokane County Sheriff's Office and when forwarded by the Spokane Police Department should include notification that:

A. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

B. The information is provided as a public service and may not be current or accurate.

C. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

D. The crime for which a person is convicted may not accurately reflect the level of risk.

E. Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

F. Spokane Police DepartmentLaw Enforcement has no authority to direct where an offender may live.

356.5.2 MANDATORY DISSEMINATION

Mandatory dissemination shall be conducted by the Spokane County Sheriff's Office in compliance with their policy.

The Spokane County Sheriff's Office policy states that they shall ensure that:

A. A public notification is made for offenders who are classified as Risk Level III and who register in the City. The notice must be published in at least one newspaper that has a general circulation in the geographic area of each offender's registered address or location. The notice must be in the form of a legal notice, advertisement or news release (RCW 4.24.550(4)). The notice shall conform to the guidelines established in RCW 4.24.5501.

B. All information on sex/kidnapping offenders registered in the City is regularly updated and posted on the Washington State Sex Offender Information Center website (RCW 4.24.550(5)).

C. When a registered offender attends or is employed by a school, the following information shall be provided to the school's principal or institution's department of public safety (RCW 9A.44.130):

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1. Name
2. Complete residential address
3. Date and place of birth
4. Place of employment
5. Crime for which committed
6. Date and place of conviction
7. Aliases used
8. Social Security number
9. Fingerprints

356.5.3 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.

356.6 SEX OFFENDER RISK ASSESSMENT

Sex offender risk assessment shall be conducted by the Spokane County Sheriff’s Office.

356.7 DISCLAIMER

Nothing in this policy prevents the Spokane Police Department in providing assistance to the Spokane County Sheriff's Office in regards to the Community Protection Act involving certain registered offenders.

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Major Incident Notifications - Command Emails and Notifications

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made. The DSO notification process is intended for after business hours, holidays and weekends. During normal business hours and work days the appropriate authority will be notified, and will ensure an appropriate response to the incident. If no appropriate authority is available the DSO will be contacted.

Appropriate Authority is defined as (in order) the PSA Captain responsible for the area where the incident took place, the Patrol Captain, another PSA Captain, the Investigations Captain, or the Administrative Captain.

Normal business hours are defined as 0700-1700 hours.

Normal business work days are defined as Monday-Friday, excluding holidays.

358.2 MINIMUM CRITERIA FOR NOTIFICATION OF DUTY STAFF OFFICER (DSO) AND POLICE COMMAND STAFF.

This policy recognizes that a Captain is a high ranking command position in the civil service system. A Police Captain is a highly responsible administrative and leadership position in police work involving the directing of uniform operations, criminal investigations, special operations, and administration. A Captain will be designated as a DSO, per the current CBA.

Command Staff shall be notified by email (sent to "SPD Senior Staff") when a significant event occurs. The following list of significant incident types is provided as a guide for notification via email. Others deemed necessary by the Department will also be notified.

The incidents typed in **bold** will require phone notification. The DSO will determine if an in-person response from the DSO (after-hours or weekends) or the appropriate authority, is necessary. The DSO, or appropriate authority, is responsible for the coordination of alternate or additional responses. Even when a DSO or appropriate authority is notified by phone of an event in bold, an email is still required.

An email to "SPD Senior Staff" will be sent out in the following instances:

- All Major Crimes call-outs.
- **Homicides** .
- **Officer-involved shootings – on or off-duty** , to include negligent discharge of a firearm.
- Violent crimes resulting in life threatening injuries to victims.
- Confirmed drive-by shootings, whether or not a victim is struck.

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- Significant injury or death to any City employee.
- **Death or significant injury to any law enforcement personnel occurring within the city** .
- Death of a prominent Spokane official or community member.
- **Arrest or criminal investigation of a department employee, a city employee, or prominent Spokane official or community member** .
- **Aircraft or other major transportation crash with major damage and/or injury or death** .
- **In-custody deaths** or life-threatening medical episodes of those in SPD custody*
- Barricade situations, whether hostages are involved or not.
- **Call-outs of the SWAT Team, Tactical Team** .
- Call outs of SPD Explosive Disposal Unit members.
- Mutual Aid requests from another jurisdiction.
- Threats or actual attempts to cause significant damage to a public facility or utility.
- **Kidnapping** , Attempted Kidnapping, or Attempted Child Luring other than custodial interference. When the Child Abduction Response plan is initiated, specific DSO authorization is required prior to the implementation of the “Emergency Roadblocks” part of the response plan.
- **Stranger on stranger sexual assaults when the Major Crimes Unit is responding** .
- **Illegal demonstrations, riots, or other public melee** .
- Missing Children and Vulnerable Adults.
- **Credible direct or indirect threats made by anyone against schools** .
- Direct or indirect threats made by anyone against schools, government facilities, or businesses.
- **Any egregious policy violation brought to a supervisor’s attention, including via a BlueTeam chain of command review.**
- Unusual occurrences that should be brought to the attention of a higher authority in a timely manner.
- **Incidents that may create a strong reaction from the community or draw a high degree of media attention, or as directed by the Chief of Police or his designee** .

* If a subject in SPD custody survives a major medical event the DSO will be notified by phone as soon as practical, but is not required to respond.

The DSO, or appropriate authority, shall be responsible for the command and control of incidents, or duties that extend beyond those areas handled by the Shift Commander. On weekends or after hours, nothing stated above shall prevent the response of an appropriate Police Captain if their response would be helpful.

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358.3 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander is responsible for making the appropriate notifications. The Shift Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Commander shall attempt to make the notifications as soon as practical. The Shift Commander shall call the DSO after hours or on weekends, or the appropriate authority during business hours on work days, by phone on **ALL EVENTS IN BOLD.**

Non bolded events ***ONLY*** require an email to "SPD Senior Staff".

All follow up information shall be sent via SPD Email to the "SPD Senior Staff" e-mail group.

All Command Staff members will ensure Police Radio has their current telephone contact information.

358.3.1 PUBLIC INFORMATION OFFICER (PIO) AND PUBLIC SAFETY COMMUNICATIONS DIRECTOR

The Shift Commander or DSO will ensure that the Public Information Officer, or designee in his/her absence, is called if it appears the media may have a significant interest. Normally, it will be the responsibility of the DSO or the ranking officer at the scene, or in charge of an investigation of a crime, arrest or other police incident to respond to initial news media inquiries. The PIO/PSC Director will provide additional information and media contact as required for incidents involving on going public interest. It will be the responsibility of the PIO to provide current PIO contact information to Command Staff and the Communication Center. ***The PIO will serve as the primary contact to the media.***

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations. The on-call police chaplain shall also be notified if the Major Crimes Unit is not responding.

360.2.1 CORONER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

A. When in apparent good health without medical attendance within the thirty-six hours preceding death.

B. Where the circumstances of death indicate death was caused by unnatural or unlawful means.

C. Where death occurs under suspicious circumstances.

D. Where a medical examiner's autopsy or postmortem or medical examiner's inquest is to be held.

E. Where death results from unknown or obscure causes.

F. Where death occurs within one year following an accident.

G. Where the death is caused by any violence whatsoever.

H. Where death results from a known or suspected abortion; whether self-induced or otherwise.

I. Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.

J. Where death is due to premature birth or still birth.

K. Where death is due to a virulent contagious disease or suspected contagious disease which may be a public health hazard.

L. Where death results from alleged rape, carnal knowledge or sodomy.

M. Where death occurs in a jail or prison.

N. Where a body is found dead or is not claimed by relatives or friends.

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The body shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner.

The Medical Examiner shall be notified of any death to which the Spokane Police Department responds. If investigators are on scene, they will notify the Medical Examiner, otherwise, uniform officers conducting the investigation will make the notification to the Medical Examiner.

360.2.2 DEATH NOTIFICATION

The Chaplains Program may assist the medical examiners office in making notification to next of kin or when requested by law enforcement.

360.2.3 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. All death investigations shall have photographs taken of the deceased to document injury or the lack thereof, as well as the scene. If photographs are not taken, officers shall document why. If the Major Crimes Unit is responding, photographs can be taken once they are on scene.

A. Safeguarding property at the scene of the death

1. Whenever personal property of significant value is discovered at a death scene, the Medical Examiner shall be advised.
2. The documentation and collection of personal property at the death scene is a primary responsibility of the Medical Examiner.
3. Items of personal property determined to be evidence by the on-scene investigating officer will be handled in accordance with evidence policy and procedures.
4. The search for and inventory of personal property at a death scene will take place only when witnesses are available.
5. Personal property and/or realty may be left under the control of the next-of-kin. If a next-of-kin is not available, reasonable security precautions should be taken to safeguard the property.
6. The officer shall include in the incident report the action taken regarding personal property.

360.2.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Major Crimes Unit shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

A. Notification of the Prosecutor

1. If death occurs due to criminal actions, the Prosecutor will be notified by Investigations when appropriate.

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Identity Theft

362.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees with protocols for accepting, recording, and investigating the crime of identity theft. Identity theft is one of the fastest growing and most serious economic crimes in the United States for financial institutions, businesses, organizations and persons whose personal identifying information (PII) has been illegally used. It can also be a tool that terrorists and those who are attempting to evade the law can use to their advantage. Therefore, the Spokane Police Department shall take those measures necessary to record criminal complaints, assist victims in contacting other relevant investigative and consumer protection agencies, and work with other federal, state and local law enforcement and reporting agencies to identify perpetrators.

362.2 DEFINITIONS

Identity Theft: No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, with the intent to commit, or to aid or abet, any crime.

Person: To include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association.

Financial information: Any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit: Account numbers and balances; transactional information concerning an account; codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the Department of Licensing, and other information held for the purpose of account access or transaction initiation.

Means of Identification: Information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone number, an electronic address, or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver's license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.

Personal Identifiable Information (PII): information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public Web sites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of

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information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual. (U.S. Code § 200.79)

362.3 JURISDICTION

Identity theft is punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law and state law" (18U.S.C. 1028(a)(7)).

Identity theft is punishable under Washington State law RCW 9.35.020.

The crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

362.4 REPORTING

A. In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

   1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

B. While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the related crime occurred and is reported in this jurisdiction).

   1. Fully record information concerning criminal acts that may have been committed illegally using another's personal identity as covered by state and federal law.

   2. If the victim has filed a report with the Federal Trade Commission, a copy of that report may be attached to the police report, documenting the details of the identity theft.

   3. Obtain or verify as appropriate, identifying information of the victim, which may include date of birth, social security number, driver's license number, other photo identification, current and most recent prior addresses, telephone numbers, fingerprint and photograph.

   4. Document the nature of the fraud or other crimes committed in the victim's identity.

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5. Determine which types of personal identifying information may have been used to commit these crimes (i.e., social security number, driver's license number, birth certificate, financial account information, etc.) and whether any of these have been lost, stolen or potentially misappropriated.
6. Document any information concerning where the crime took place, the financial institutions or related companies involved and the residence or whereabouts of the victim at the time of these events.
7. Determine whether the victim has knowledge or belief that a specific person or persons have used the victim identity to commit fraud or other crimes.
8. Determine whether the victim is willing to assist in the prosecution of suspects identified in the crime.
9. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the complainant with a report number.
10. Determine whether or not the victim was a relatively recent victim of a precipitating crime, i.e. vehicle prowling, vehicle theft, mail theft, burglary, etc. If so, cross reference the identity theft report with the original data acquisition report.
11. If not otherwise provided, document/describe the crime, the documents or information used, and the manner in which the victim's identifying information was obtained.
12. Forward the report through the chain of command to appropriate investigative officers and immediately to intelligence agencies and federal agencies, if it appears to have national security implications.

362.5 ASSISTING VICTIMS

Officers taking reports of identity theft should take those steps reasonably possible to help victims resolve their problem. This may include providing victims with the following suggestions where appropriate.

A. Provide the victim with information regarding the Federal Trade Commission Identity Theft Recovery Packet found at www.identitytheft.gov.

B. Provide the victim with the SPD case number and instructions on how to obtain a copy of the report.

C. Provide the identity theft victim with the opportunity and/or information if applicable to have their information entered into the NCIC Identity Theft Victim file, see below.

D. Advise the victim to cancel each compromised credit or debit card.

E. Advise the victim to contact any financial institutions to cancel existing, compromised or potentially compromised accounts.

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F. Recommend the identity theft victim file a "fraud alert" by contacting each of the three major consumer reporting agencies and to add a victim's statement requesting creditors contact the victim before opening new accounts in the victim's identity.

G. Advise the identity theft victim of their right to obtain a "security freeze", per Washington State Law, RCW 19.182.170. The freeze prevents the victim's credit file from being shared with potential creditors. Each of the three major credit reporting agencies must be contacted in writing with a proof of identity and a copy of the police report.

H. Advise the victim of their right to obtain information and documentation regarding any transactions conducted using his or her identity by unauthorized persons, per the Fair Credit Reporting Act, FCRA 609(e).

I. Suggest the victim report the incident to the Federal Trade Commission (FTC at 1-877-IDTHEFT) or on-line www.identitytheft.gov which acts as the nation's clearinghouse for information related to identity theft crimes. The FTC has trained counselors that can assist in resolving credit related problems.

362.6 VOLUNTARY FINGERPRINTS

Whenever a person claiming to be a victim of identity theft appears before the Spokane Police Department and requests an impression of his or her fingerprints to be made:

A. Spokane Police Department will refer the victim to Spokane County Forensics Unit to take fingerprints.

B. Spokane County Forensics Unit will make the required copies of the impressions on forms marked "Voluntary Finger/Palm Print and Photo Submission form." The victim will be provided with the appropriate documents to forward to WSP (RCW 43.43.760).

362.7 INVESTIGATIONS

Investigations of identity theft shall include but not be limited to the following actions where appropriate:

A. Review identity theft reports while reviewing the daily fraud reports. If the victim has not received victim assistance/information, forward victim information if applicable. The identity theft victim will need victim information in order to correct the fraudulent accounts and activity(s) conducted in their identity.

B. Review the assigned identity theft report and any other cross referenced or related incident reports.

C. Encourage the victim to take identity theft recovery actions as outlined by the FTC. Contact other involved or potentially involved investigative departments within the Spokane Police Department as well as other law enforcement agencies for collaboration and avoidance of duplication.

D. Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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362.8 NCIC IDENTITY THEFT VICTIM FILE

Identity Theft Reports may be entered into the NCIC Identity Theft Victim File, pursuant to WSP ACCESS Manual Chapter 15.

A. If the victim of identity theft wants their information entered into the NCIC Identity Theft File database, the following steps will be taken.

B. Criteria: Someone is using a means of identification of the victim (denoted in the Identity Theft and Assumption Deterrence Act of 1998 as any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual) without the victim's permission.

   1. The victim must have an identity theft report on file with law enforcement.

   2. The victim will provide adequate identification which may include the victim's name, date of birth, Social Security number, voluntary fingerprints and photographs to verify their identity.

C. Procedure

   1. The victim and a commissioned officer must complete a victim profile (Identity Theft Consent Waiver) and select a unique password.

   2. The victim will be referred to the front desk officer who will then contact the Records Division and have the data entered into the NCIC Identity Theft File.Records shall conduct an annual audit of the file.

   3. During subsequent encounters by law enforcement, the Identity Theft Victim File will be automatically checked during WACIC/NCIC name checks. The officer will receive a response listing the victim profile, including the password, thereby providing the officer with the information necessary to verify that the person encountered is the victim or that the person may be using a false identity. The response should be considered along with additional information or a circumstance surrounding the encounter before the officer takes action.

362.9 COMMUNITY AWARENESS AND PREVENTION

Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations, or similar speaking or information dissemination efforts, shall provide the public with information on the nature and prevention of identity theft.

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.2 TYPES OF LEP ASSISTANCE AVAILABLE

This department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to the following assistance methods.

368.2.1 TELEPHONE INTERPRETER SERVICES

The department contracts with LanguageLine Services to assist department personnel in communicating with LEP individuals via telephones.

368.3 LEP CONTACT SITUATIONS AND REPORTING

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

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Hearing Impaired/Disabled Communications

370.1 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.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

370.2 POLICY

It is the policy of the Spokane 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.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Spokane Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Communications Manager. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 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.

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370.5 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.

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 Spokane Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Spokane Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 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.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video

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remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(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 Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Lieutenant 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.

370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Combined Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Chaplain Program

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Spokane Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public (RCW 41.22.030; RCW 41.22.040).

376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as deaths, serious injuries, abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Paid chaplains must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).

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(f) Possess a valid Drivers License.

376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their church elders, board, or council.

(c) Interview with Chief of Police, Chaplain Board and Chaplain Supervisor (paid chaplains). Volunteer chaplains will be interviewed by the Board.

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or home.

(d) Attending and participating, when requested, in funerals of active or retired members of the Department.

(e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Commander or supervisor aids in accomplishing the Department's mission.

(g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Counseling officers and other personnel with personal problems, when requested.

(i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Department.

(k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.

(l) Providing liaison with other religious leaders of the community.

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(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Participating in in-service training classes, as appropriate.

(o) Willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or ministers of various denominations.

(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not accept gratuities for any service or follow-up contact that were provided while functioning as a chaplain for the Spokane Police Department.

376.7 CONFIDENTIALITY

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others shall remain private and confidential. Members of the clergy are not required to reveal penitential communications; however, clergy must report child, elder or dependent adult abuse discovered while acting in any of the following capacities:

(a) Marriage, family, or child counselor

(b) Religious practitioner, who diagnoses, examines or treats children, elders, or dependent adults

376.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Senior Chaplain and/or Shift Commander.

(b) The Chaplaincy Board shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander with approval from the Chief of Police.

(c) Chaplains shall be responsible to the Chaplains Board.

(d) The Senior Chaplain shall serve as the liaison between the chaplains' office and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the chaplains' office, coordinate activities that may concern the members of the chaplains' office and arrange for training classes for chaplains.

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376.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of five evenings at a time during each month, beginning on Monday and ending on the following Friday. Other designated chaplains will cover the weekends.

(b) Generally, each chaplain will serve with Spokane Police Department personnel a minimum of eight hours per month.

(c) At the end of each month the chaplain will complete a Chaplain Monthly Hour Report and submit it to the Volunteer Services office to reflect volunteer chaplain hours. Paid chaplains will send a monthly report to the Chaplain Board.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Spokane Police Department operations, provided the Shift Commander has been notified and approved of the activity.

(e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Spokane Police Department unless otherwise authorized by the Chief of Police or his/her designee.

(i) The Senior Chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

376.9.1 EQUIPMENT, UNIFORMS AND BADGES

A distinct uniform, badge and necessary equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this department.

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Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

380.2 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 Spokane Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Social and Health Services, if appropriate.

(e) Notify the field supervisor or Shift Commander of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

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Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Lieutenant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Spokane Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 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).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Spokane Police Department affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become directly involved in a law enforcement action when off-duty can place an officer as well as others at greater risk, and should be done with careful consideration.

This policy is intended to provide guidelines for officers of the Spokane Police Department with respect to taking law enforcement action while in an off-duty capacity.

386.2 POLICY

There is no legal requirement for off-duty officers to take direct law enforcement action. Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate any enforcement action when witnessing minor crimes. These minor crimes would include for example, suspected intoxicated drivers, reckless driving and minor property crimes. Incidents such as these should be promptly reported to the appropriate law enforcement agency by calling either Crime Check or 911. Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstances that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or serious property damage may take reasonable action to minimize the threat. When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 DECISION TO INTERVENE

The following list is not intended to be inclusive of every off-duty situation that may be presented to an officer.

Should an officer decide to intervene, they should evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact that there may be multiple or hidden suspects.

(b) The inability to communicate developing information to other responding units.

(c) The lack of needed equipment, e.g. handcuffs, OC, or baton.

(d) The lack of proper cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the location or surroundings.

(g) The potential for the off-duty officer to be misidentified by other law enforcement officers or members of the public.

Off-duty officers should consider waiting for on-duty, uniformed officers or deputies to arrive, while gathering as much accurate information as possible, instead of immediately intervening.

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386.3.1 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 operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Spokane Police Department officer until acknowledged. Official identification should also be displayed.

386.3.2 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.3.3 CIVILIAN RESPONSIBILITIES
Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.3.4 OTHER CONSIDERATIONS
When encountering a non-uniformed officer or deputy in public, uniformed officers should wait for acknowledgment by the non-uniformed officer/deputy in case he/she needs to maintain an undercover capability.

386.4 REPORTING
Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Commander as soon as practicable. The Shift Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Extreme Risk Protection Orders

387.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the mandatory surrender of firearms when the court issues an Extreme Risk Protection Order (ERPO) under RCW 7.94.010 et seq.

387.2 POLICY

It is the policy of the Spokane Police Department to serve Extreme Risk Protection Orders and to facilitate the surrender of firearms following the issuance of Extreme Risk Protection Orders.

387.3 PROCEDURE FOR THE SURRENDER OF FIREARMS

Officers serving Extreme Risk Protection Orders & related documents shall request immediate surrender and conduct any legal search for such firearms as per section 341.4.

A. If Respondent has access to weapons, he/she shall be required to surrender them immediately. The Officer shall do the following:

1. Gives person “the packet” with the following forms:

(a) ERPO order.

(b) Instructions on Surrendering Firearms.

(c) Proof of Surrender.

(d) Receipt for Surrendered Weapons and Concealed Pistol License.

2. Collects the firearms and CPL.

3. Fills out a Property/Evidence receipt with the “ERPO” designation.

4. Tells respondent he or she has five days in which to file the paperwork with the applicable declaration.

B. If Respondent does not have immediate access to firearms:

1. He/she shall be served with the Extreme Risk Protection Order and given the instructions and declaration forms (Proof of Surrender and Declaration of Non-Surrender).

2. He/she shall be instructed to surrender his/her firearms and Concealed Pistol License (CPL).

3. He/she shall be instructed to file within five days the applicable declaration form.

C. The officer shall place the firearms in the Property/Evidence facility using “ERPO” as the offense type and item purpose type in the BEAST system. Additionally, the officer shall:

1. Photograph each side of the weapon.

2. Make careful and detailed notations/descriptions of the firearm and its condition and include in your report.

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3. The property tag that is printed will have “ERPO” listed on the tag. The officer will attach the tag to the item in the same manner as is currently done with all firearms.
4. The item will be placed in the lockers the same as is currently being done.
5. The surrendered firearms will be kept in a separate location within property and will not be released until the expiration of the order.
6. Once the order is expired, and there are no other firearms prohibitions noted, the property room will send a letter to the respondent advising him/her the firearm(s) may be picked up.

D. Officer shall file the following paperwork with Police Records:

1. Return of Service – Extreme Risk.
2. Receipt for Surrendered Weapons and CPL (if firearms and CPL surrendered).

387.4 SEARCH FOR FIREARMS

An officer’s search for firearms must conform to constitutional standards. The only lawful grounds for a search for weapons at the time of the service of the extreme risk protection order will be:

A. **Consent** - following full compliance with Ferrier;

B. **Emergency doctrine** - the searching officer must subjectively believe that an emergency exists;

C. **Search warrant** - based upon probable cause to believe that: (1) firearms will be found at the location where the extreme risk protection order will be served; and (2) possession of firearms by the person upon whom the extreme risk protection order is being served is unlawful under RCW 9.41.040 or other Washington statute.

387.5 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. A search warrant may be issued for Unlawful Possession of Firearm after Issuance of Extreme Risk Protection Order if:

A. The respondent has actual notice of the judge's order to surrender firearms;

B. The respondent refuses to comply with that order; and

C. There is credible evidence that firearms will be found at the locations to be searched based upon informants who are reliable and information that is not stale.

387.6 RECORDS RESPONSIBILITIES

Police Records is responsible for ensuring that:

A. Extreme Risk Protection Orders and all related documents are uploaded into LERMS;

B. Extreme Risk Protection 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 Spokane Police Department / Spokane County Sheriff’s

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Office that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Spokane Police Department / Spokane County Sheriff's Office that lists outstanding warrants (RCW 7.94.110).

C. 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 Spokane Police Department / Spokane County Sheriff's Office (RCW 7.94.090).

D. The Receipt for Surrendered Weapons and Return of Service are filed with the court.

E. Expired or terminated orders entered into computer based-systems by the Spokane Police Department / Spokane County Sheriff's Office are removed (RCW 7.94.110).

387.7 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order shall be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

387.8 PETITION BY LAW ENFORCEMENT

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Officers petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

A. Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, 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, 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 Spokane Police Department / Spokane County Sheriff's Office.

E. Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

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An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing or receiving a firearm (RCW 7.94.050). The ex parte petition shall be filed in Superior Court.

387.8.1 NOTICE OF PETITION

When a member of the Spokane Police Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including mental health, domestic violence and counseling (RCW 7.94.030).

387.9 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).

387.10 ORDERS TO SHOW CAUSE

When the [DepartmentOffice] receives notice from the court of an order to show cause, the Investigation Bureau supervisor should consult with legal counsel, as appropriate, to address any requirements involving the [DepartmentOffice], including the following (RCW 7.94.090):

(a) Fulfilling any additional service requirements for the order to show cause

(b) Providing the court a complete list of firearms surrendered by the person pursuant to the extreme risk protection order that are in the possession of the [DepartmentOffice]

(c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the extreme risk protection order and that the agency with authority to revoke the license has been notified

(d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the extreme risk protection order is not in full compliance with the terms, including the basis for the belief

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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 department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Spokane, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community oriented policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other Bureau's within the department, as well as other outside governmental agencies.

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by community oriented policing and problem solving strategies.

(i) Traffic direction and control.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various bureaus of the Spokane Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Division for distribution to all Bureaus within the department through daily and special bulletins.

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400.2.2 CRIME REPORTS

It is the goal of the Spokane Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a thorough field interview (FI) card. The supervisor should ensure that all terrorism related FI's are forwarded to the CIU sergeant in a timely fashion.

400.2.3 PATROL ROLL CALL

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share as much information as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol roll calls as time permits.

400.2.4 INFORMATION CLIPBOARDS

An information clipboard ("Hot Board") will be maintained in the sergeants' office and will be available for review by officers from all Bureaus within the department. The information on the "Hot Board" will be reviewed by each patrol team during daily patrol roll calls. Further information will be available to officers via the SPIN presentation and daily flyers in the roll call room.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Spokane Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

402.1.1 DEFINITION

Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

402.2 POLICY

The Spokane Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, sex (including pregnancy, gender identity, and sexual orientation), age (40 or older), religion, creed, color, national origin, ancestry, disability, marital status, familial status, genetic information, veteran or military status 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. Race alone is not enough to establish reasonable suspicion or probable cause. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.3.1 OTHER PROFILING PROHIBITED

The Spokane Police Department also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

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.

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402.4.1 WHEN DEMOGRAPHIC PROFILING FORM IS REQUIRED

Officers shall report any demographic information required by the Department (RCW 43.101.410) in the following instances:

A. **Traffic Stops** - A Demographic Profiling Form must be completed any time an officer stops a motor vehicle or conducts an inquiry of individuals in a stopped motor vehicle.

   1. A Demographic Profiling Form must be completed for the driver any time a traffic stop is initiated based on an infraction committed by the driver.

   2. A Demographic Profiling Form must be completed for any passenger, if the reason for the traffic stop is based on the actions of the passenger.

B. **Pedestrian Stops** - A Demographic Profiling Form must be completed in connection with any stop for a pedestrian violation.

C. **Investigatory Detention (Terry Stop)** - Where the officer has reasonable articulable suspicion to believe the individual is committing or has committed a crime, the officer may stop and detain the individual for a brief investigatory period. A Demographic Profiling Form **must be** completed if the officer initiated the stop. If the stop was related to a call for service, a Demographic Profiling Form **does not need** to be completed.

A Racial Data form does not need to be completed in the following instance:

Consensual Encounter - A police officer may approach any person in a public place and request to talk to them. So long as the person is free to leave, no seizure has occurred. In such instances, a Demographic Profiling Form **does not need to be completed**.

402.4.2 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.

In all written documentation (e.g., arrest report, Field Interview card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

A. Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

B. Supervisors should periodically review MDC data, Racial Data Forms and police reports to ensure compliance with this policy.

   1. Supervisors should document these periodic reviews.

   2. Recordings that capture a potential instance of racial- or bias-based profiling 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 ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 STATE REPORTING

Subject to any fiscal constraints, the Strategic Initiatives Director 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

Each year, the Strategic Initiatives Director shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall 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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Roll Call Training

404.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new General Orders or changes in General Orders.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

404.2 PREPARATION FOR DUTY

The supervisor conducting roll call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

Consumption of food at roll call is not allowed. The shift supervisor may authorize exceptions on a case-by-case basis for special occasions.

Officers will log into their vehicles immediately after roll call. Any required business in the station will occur after logging on and clearing the assigned patrol car out of the basement.

- Officers will log on with the assigned vehicle number. Changes in vehicle assignments will occur only with supervisory approval.
- Oncoming shift sergeants will report unauthorized deviations such as cars left in the basement to their shift commander. Shift commanders will report these to the appropriate shift commander for investigation, correction or discipline.

(a) Shift commander responsibilities

1. The shift commanders will set an example in appearance, conduct and promptness.
2. The shift commander or a designee will conduct a briefing for shift officers consisting of any relevant information.
3. Shift briefings will begin promptly at the assigned times.

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4. The briefing will include, but not be limited to, intelligence information, officer safety information, wants and warrants, and organizational news.

(b) Sergeant responsibilities

1. Sergeants will set an example in appearance, conduct and promptness.
2. The assigned sergeant for each shift will complete all tasks required to prepare for the daily shift briefing.
3. The assigned sergeant or a designee will advise the Combined Communications Center which patrol vehicles currently in use are to be parked, so notification can be made to the officers currently assigned to the vehicles prior to the end of their shift.
4. Every shift, the sergeant will account for all officers assigned to the shift.
5. Sergeants will informally inspect officers on a daily basis to ensure adherence to uniform, equipment and grooming standards.
6. Formal inspections of uniform, equipment, vehicle and grooming will be conducted and documented no less than once a month.
7. There will be an appropriate period for team conversation and information sharing after the briefing and any training.
8. Prior to leaving the briefing room, sergeants will either secure or cause to be secured all sensitive information, and direct their team table area to be kept clean.
9. The sergeant or designee will advise the Combined Communications Center to secure prior shift.
10. To avoid overtime, roll call will not be more than 20 minutes in duration. If specific training requires a longer roll call, the sergeant or designee will notify the Combined Communications Center so notification can be made for the on-duty officers to park their vehicles.
11. The sergeant will assure that at the completion of roll call all officers immediately respond to their vehicles.

(c) Officer responsibilities

1. Be punctual in their attendance at the shift briefing.
2. Be dressed and groomed appropriately for the duty day.
3. Bring all necessary equipment to the briefing and report to duty directly from the roll call room.
4. Be seated at their assigned team tables during the briefing.

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5. Refrain from conversation or comment during the briefing.
6. Record pertinent briefing information as personal notations.
7. Be responsible for introducing any assigned observers, after the briefing.
8. Each working day, check and clear their mail and messages at a time and in a manner that will not interrupt nor distract from the briefing or team business.
9. Respond to and purge mail and voice mail in a timely manner to allow for the constant flow from incoming sources.
10. Prior to leaving the briefing room, share the responsibility for securing sensitive information and keeping their team table area clean.

(d) Training time

1. Each supervisor has a training responsibility and function, and it is expected that all officers will assist in the process of identifying training needs to enhance the efficiency of police operations and service to the public.
2. On-line training will be completed as required during assigned shifts.

(e) Vehicle acquisition and log-on

1. After the roll call is completed, officers will immediately obtain their cars and check into service.
2. There may be times when there are no cars available for all the officers checking into service. The team sergeant will be notified, and will decide if officers will double up or if the Combined Communications Center will call a unit in from the field.
3. Each officer will inspect the car for damage not already listed on the card in the car. If damage is discovered, it will be the officer's responsibility to notify a corporal before starting his/her tour of duty. The corporal will list the damage on the card in the glove box and notify the team sergeant. A report shall be written and a photo taken of the damage unless previously completed. The fleet servicer should be notified of the damage
4. Each officer will inspect the shotgun and ensure that no rounds are in the chamber, that there are four rounds in the gun's magazine, and that the safety is on.
5. Each officer will search the interior of the car for any contraband or weapons that may have been left from the previous shift. Upon finding such items, an effort will be made to contact the officer who had the vehicle prior to the officer currently checking in and the items will be turned over to him/her. If the prior officer has already left the station or is at home, the officer currently checking in will then

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place the items on property as evidence and a copy of the report will go to the team sergeant of the officer checking in.

6. Once the inspection of the vehicle is completed, the officer will log-on immediately. Any required business in the station or at any other location will occur after logging on with the Combined Communications Center and advising them of the officer's location.

7. It will be the responsibility of the team sergeant or corporal to be present to ensure that there is an orderly vehicle transfer. Vehicles will not be left unattended in the basement unless parked in a designated/assigned space.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Spokane Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.2.1 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Combined Communications Center.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 CLEARANCE TO ENTER PROTECTED CRIME SCENE AREA

All employees, regardless of rank, shall obtain permission from the crime scene supervisor before entering the crime scene area. This does not apply to employees assisting in an emergency situation.

406.5 REPORT OF ACTIVITY REQUIRED

(a) Each member will report to the crime scene log officer the time they entered and/or exited the crime scene.

(b) Each member shall make a report regarding his/her activities in the crime scene or his/her participation in the investigation.

(c) Each member responding to a major event controlled by a command post will make a report detailing his/her activities.

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406.6 ANIMAL CONTROL AND RETRIEVAL

In the event that an animal is present at a crime scene or warrant service and no responsible parties are available to control or remove the animal:

(a) Members should take reasonable steps to temporarily secure an animal to prevent contamination of evidence or harm to any persons.

(b) Members will contact SCRAPS to arrange for the removal and safekeeping of the animal.

406.7 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

406.8 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.8.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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406.9 INVESTIGATIVE SERVICES CAPTAIN RESPONSIBILITIES

The Investigative Services 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.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

406.10 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

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Tactical Response Teams

408.1 PURPOSE AND SCOPE

The purpose of tactical response teams is to provide a group of officers who are trained and skilled in the use of specialized equipment and tactics for the resolution of critical incidents and tactical missions. Each team maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control. The tactical response teams consist of Special Weapons and Tactics (SWAT), Hostage Negotiation Team (HNT), Tactical Team (TAC), Dignitary Protection Team (DPT), Explosives Disposal Unit (EDU), Technical Assistance Response Unit (TARU), and the Chemical Agent Response Team (CART).

408.2 SPECIAL WEAPONS AND TACTICS (SWAT)

The mission of Special Weapons and Tactics (SWAT) is to provide the Spokane Police Department (SPD) or any other law enforcement agency whose request is approved by the Chief of Police or a designee with a tactical response.

408.2.1 POLICY

It shall be the policy of the Spokane Police Department to maintain a SWAT Team and to provide the equipment, manpower, and training necessary to maintain an effective team. The SWAT Team should be supplied with sufficient resources to perform three basic functions:

A. Command and control

B. Containment

C. Entry/apprehension/rescue

408.2.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM

The following are examples of incidents which may result in the activation of the SWAT Team:

A. Barricaded suspects who refuse an order to surrender.

B. Incidents where hostages are taken.

C. Cases of suicide threats.

D. Arrests of dangerous persons.

E. Sniper situations where a suspect is firing upon citizens and/or police, whether stationary or mobile.

F. High-risk warrant service. (This does not include utilizing SWAT to effect an arrest based on an outstanding DOC warrant)

G. Personal protection to include the security of persons, such as VIP's, witnesses or suspects based on threat or the potential threat to their safety.

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H. Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.2.3 ACTIVATION PROCESS

Activation of the SWAT Team requires an order from an officer with the rank of sergeant or higher. A SWAT Risk Analysis form has been developed to assist supervisory or command level officers with the decision-making process regarding the management of critical incidents. This form should be used by supervisors to evaluate the risk factors associated with the incident in order to determine whether or not the activation of the SWAT Team would be merely prudent or required. The SWAT Risk Analysis form is available to all officers and can be accessed in the "forms" file within the "alphalist" folder residing on the "H" drive.

408.2.4 AUTHORITY TO ENGAGE THE SWAT TEAM

The authority for the SWAT Team to engage in a tactical situation will be given only by the on-duty unit commander of the rank of lieutenant, or by an officer of higher authority. The officer authorizing the deployment of the SWAT Team will notify the command representative in accordance with the DSO policy. Once authorization to engage has been granted, the SWAT Team commander will assume control of the tactical response under the direction of the incident commander.

408.2.5 REQUESTS FROM OUTSIDE AGENCIES

The Spokane Police SWAT Team is available, with the approval of the Chief of Police or his/her designee, to any requesting law enforcement agency. The SWAT Team will function only as a team during these activations and will operate solely under Spokane Police Department command.

408.2.6 REQUESTS WITHIN SPD

Any division or unit within the Spokane Police Department may request the assistance of the SWAT Team in planning or conducting tactical missions.

408.2.7 SPECIALIZED EQUIPMENT

Spokane Police Department SWAT Team members are trained in the use of specialized equipment, which includes firearms other than the standard issue handgun weapon system.

408.2.8 TACTICAL MISSIONS

The SWAT Team adheres to the Incident Command System regarding the management and mitigation of critical incidents or other tactical missions.

408.3 HOSTAGE NEGOTIATION TEAM

The mission of the Hostage Negotiation Team (HNT) is to provide trained communicators who may be utilized to attempt de-escalation and surrender during critical incidents where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

408.3.1 APPROPRIATE SITUATIONS FOR USE OF THE HNT

A. Barricaded suspects who refuse an order to surrender.

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B. Incidents where hostages have been taken.

C. Cases involving threats of suicide.

D. Other situations as determined by an incident commander.

408.3.2 ACTIVATION PROCESS

Activation of the HNT requires an order from an officer with the rank of sergeant or higher. Generally, the Special Weapons and Tactics Team and the Hostage Negotiation Team shall be activated together. It is recognized, however, that a tactical team may be used in limited situations not requiring the physical presence of the hostage negotiation team such as, but not limited to, warrant service operations.

408.4 SPOKANE POLICE TACTICAL TEAM

The mission of the Tactical Team (TAC) is twofold. The first is to provide the patrol division with first response capabilities to critical incidents, scene protection and stability for the introduction of specialty team application, or if warranted, take decisive actions to neutralize a situation, such as with an active shooter. The second is to promote full participation in crowd management and event coordination with event sponsors and participants to ensure a feeling of security in the community through crowd management tactics.

408.4.1 APPROPRIATE SITUATIONS FOR USE OF THE TAC TEAM

The field supervisor should utilize the TAC Team for disturbances that may overwhelm the patrol resources or require the use of specialized crowd control equipment. The TAC Team should be used for passive protests that do not require immediate custodial arrests, but may result in a large number of arrests and last an extended period of time.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete Criminal Justice Training Commission (CJTC) approved update or refresher training every 24 months.

408.5 DIGNITARY PROTECTION TEAM

The mission of the Dignitary Protection Team (DPT) is to provide a group of officers who are trained and skilled in the exclusive techniques and application of all types of protective services. The Dignitary Protection Team is used as a resource for the protection of personnel, property, and other tactical missions as deemed appropriate. The Dignitary Protection Team maintains standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, command and control.

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408.5.1 APPROPRIATE SITUATIONS FOR USE OF THE DPT

The following are examples of incidents which may result in the activation of the Dignitary Protection Team. All activations are based upon a reasonable and objective risk assessment to the persons or property involved:

A. Personal protection to include the security of persons, local dignitaries, government or public employees, visiting and national dignitaries, high profile speakers, as well as victims/witnesses/suspects of criminal and/or civil court cases.

B. Property or facility protection.

C. Request by an elected or appointed governmental official or other law enforcement agency.

D. Risk (Threat/Vulnerability) assessment.

E. Any situation that enhances the ability to preserve life, maintains social order, or ensures the protection of property.

F. Other situations as determined by an incident commander.

408.5.2 ACTIVATION PROCESS

A request for protective services will be made to either the Dignitary Protection Team commander or assistant commander with timely notification to the bureau captain or commander.

408.5.3 AUTHORITY TO ENGAGE THE DPT

Authority to engage the Dignitary Protection Team can be made by any officer of the rank of lieutenant or higher. The officer authorizing the deployment of the Dignitary Protection Team will notify the command representative in accordance with the DSO policy. Once authorization to engage has been granted, the Dignitary Protection Team commander will assume control of the protective services response under the direction of, or in the role of the incident commander.

408.5.4 REQUESTS FOR PROTECTIVE SERVICES

The Dignitary Protection Team is available, with the approval of the Chief of Police or his/her designee, to any requesting law enforcement agency, public or private organization, or individual. Determination of the need for protective services will be based upon the subjective needs of the individual and/or organization, the public good, as well as the objective risk (threat/vulnerability) analysis determination. Any division or unit within the Spokane Police Department may request the assistance of the Dignitary Protection Team.

408.5.5 SPECIALIZED EQUIPMENT AND TRAINING

Spokane Police Department Dignitary Protection Team members are trained in the use of specialized equipment, firearms, and vehicles. Team members are also trained in the specialized tactics of protective services.

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408.5.6 TACTICAL MISSIONS
The Dignitary Protection Team adheres to the Incident Command System regarding the management and mitigation of protective services incidents or other tactical missions.

408.6 EXPLOSIVES DISPOSAL UNIT
The mission of the Explosives Disposal Unit (EDU) is to provide a team of officers who are trained and skilled in the identification and disposal of suspected or actual improvised explosive devices, improvised or commercial explosives, improvised or commercial fireworks, large caliber ammunition, and military ordnance. The EDU is also used as a resource for the resolution of critical incidents and other tactical missions with capability to operate tactical robot equipment or provide explosive breaching for SWAT. EDU has standard operating procedures (SOPs) regarding membership, selection criteria, training, equipment, and command and control.

408.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Patrol Bureau Commander, the Crisis Response Unit shall be managed by a lieutenant.

408.6.2 APPROPRIATE SITUATIONS FOR USE OF THE EDU
The following are examples of incidents and duties for the Explosive Disposal Unit:

A. Render safe, collect, preserve as evidence, or dispose of all identified devices, suspected devices, commercial fireworks class 1.3, ammunition .50 caliber and greater, and explosives.

B. Provide for legal, proper and safe transportation, disposal, or storage of explosives or other items mentioned above.

C. Provide explosive breaching capability for SWAT.

D. Conduct post-blast crime scene investigations.

E. Collect and preserve evidence related to explosive incidents.

F. Prepare and provide courtroom testimony.

G. Store, maintain, and inventory EDU equipment.

H. Provide technical support to special operations.

I. Provide support for dignitary protection.

J. Prepare and present explosives-related training programs.

K. Maintain professional liaison with other explosives teams and organizations (FBI SABT, TSA, ATF, IABTI, etc.).

L. Compile and report technical data on explosive devices and incidents

M. Report found or recovered military ordinance to military E.O.D. units.

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408.6.3 ACTIVATION OF EXPLOSIVES DISPOSAL UNIT

Any field supervisor may request EDU assistance by contacting the Combined communications Center for the EDU supervisor contact information. EDU members on duty may be advised of an active incident, but requests for team activation should be made through the EDU supervisor with notification to the shift commander.

408.7 TECHNICAL ASSISTANCE RESPONSE UNIT

The mission of the Technical Assistance Response Unit (TARU) is to provide support to any unit within the department and other law enforcement agencies in various areas to include but not limited to, surveillance cameras; video and still photo clarification and processing; tactical operations support (SWAT, Hostage Negotiations, etc.); tracking devices; communications; undercover operations; specialized electronic equipment available for deployment under various circumstances; etc.

408.7.1 SUPERVISOR OF THE TECHNICAL ASSISTANCE RESPONSE UNIT

Commissed members of the TARU report directly to the TARU Sergeant who reports to the CEU Lieutenant.

408.7.2 UTILIZATION OF TARU

The mission of TARU is to support other units within the department as well as other law enforcement agencies with the deployment and use of specialized equipment. Requests for TARU support must be made with the approval of an officer of the rank of sergeant or higher.

408.7.3 ACTIVATION OF TARU

The TARU is available for after-hours call-out and utilization by members of the Spokane Police Department and other law enforcement agencies. TARU activations are normally to support tactical operations but can also be for other situations requiring the deployment of specialized equipment.

The first call for TARU support will be to the Commander of the Special Investigative Unit. Activation of the TARU in support of a tactical situation or at the request of an outside agency will be with the approval of the SIU Commander or Shift Commander.

408.8 CHEMICAL AGENT RESPONSE TEAM

The mission of the Chemical Agent Response Team (CART) is to assist in the resolution of critical incidents through the tactical use of chemical munitions. The CART is also utilized in crowd management/riot control situations for the purpose of delivery of blunt impact munitions.

The CART is a sub-sect of SWAT and the Tactical Team. All members on the CART are also members of either SWAT or TAC. The CART is under the command of SWAT.

408.8.1 APPROPRIATE SITUATIONS FOR USE OF CART

Situations where the CART may be deployed include but are not limited to; armed barricaded suspects, hostage situations, suicidal persons, and riot control/crowd dispersal situations.

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408.8.2 ACTIVATION PROCESS
A field supervisor can activate the CART. Only a lieutenant or higher ranking officer may deploy the team with notification to the DSO.

408.9 TACTICAL RESPONSE TEAM TRAINING AT OFF-SITE LOCATIONS

Opportunities may occur where Spokane Police Tactical Response Teams are able to train at locations not specifically designated as a police training site. These training sites may be either publicly or privately owned properties.

When the owner of the property, or the person with controlling authority, provides consent to allow police training to occur at the location, this affords Tactical Response Teams with a valuable training tool to accomplish realistic scenario-based training.

408.9.1 SAFETY CONSIDERATIONS
Spokane Police Tactical Response Teams recognize that additional precautions are necessary when training at off-site locations. These precautions are necessary due to the potential presence of citizens living in the neighborhood, businesses operating nearby, and/or pedestrian and vehicle traffic in the area.

408.9.2 SAFETY PROCEDURES
Specific safety considerations vary according to the geographic area of the off-site training location and the time of day when the training occurs.

Therefore, **when applicable**, Tactical Response Teams will observe the following procedures when training at an off-site location:

- Obtain consent to train at the location from the property owner, or person with controlling authority over the property, prior to the training event
- Notify adjoining neighbors, property owners, and businesses and advise them of any concerns, such as loud noises and potential safety issues
- Notify the Combined Communications Center, Crime Check, and 9-1-1
- Request patrol notification that training is occurring in the area
- Display signs indicating that Spokane Police Training is occurring in the area
- Restrict vehicle and/or pedestrian traffic in to the training area
- Have a marked police vehicle on-site
- Notify STA or school bus services if bus routes will be impacted
- Notify nearby schools
- Designate a training safety officer(s)
- Other procedures when appropriate

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Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements and approval process for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Spokane Police Department ride-along program is offered to citizens, police department volunteers, and those employed within the city. Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age, unless police volunteers.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the front desk officer. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along form. The participant will complete a Ride-Along Waiver form following roll call.

The front desk officer will schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every 12 months. An exception would apply to the following: Co-ops, explorers, chaplains, reserves, senior volunteers, police applicants, and all others with approval of command personnel.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Family members may ride with SPD employees. Individual family members shall not ride with an officer more than once in a six-month period. Family members must be at least 14 years of age. The standard Ride-Along Waiver will be used for all riders to include family members.

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410.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks or jeans and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Shift Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members from another law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

An officer may carry a firearm on a ride-along only if:

- The officer is currently employed by a Washington State law enforcement agency; or
- As approved by the Chief of Police.

410.3 OFFICER'S RESPONSIBILITY
The officer shall advise the Combined Communications Center that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The Combined Communications Center will be advised of the situation and as soon as practical have another Police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The front desk officer is responsible for maintaining and scheduling ride-alongs.

410.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

A. The ride-along will follow the directions of the officer.

B. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

C. The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.

D. Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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E. Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

F. Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer if objected to by the resident or other authorized person.

G. Per Policy 314, Vehicle Pursuit Policy, pursuits shall not be initiated or entered into when a passenger is in the vehicle.

410.5 MEDIA

A. Requests for media ride-alongs will be coordinated through the PIO office with notification to the Chief's Office and will coordinate with the front desk officer.

B. Under no circumstance shall a media ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

C. **Restrictions**:

1. The media shall agree not to videotape or otherwise record or photograph any department members who are designated as being 'undercover'.

2. If undercover members are unavoidably recorded, the media shall agree to obscure or otherwise conceal the identity, face, and/or other distinguishing characteristics.

3. Media members shall agree not to broadcast or otherwise publicize images, names, or other identifying information on victims, witnesses, or suspects without the written consent of those individuals. (Victim and witness identification is protected under RCW 42.17.310.)

4. Media members shall agree that certain conversations or information such as witness or informant names, or plans for future sensitive activities, if overheard, will not be recorded or revealed.

5. The media shall refrain from filming or otherwise recording ongoing tactical operations that could jeopardize the public or officers.

410.6 SHIFT RESPONSIBILITIES

A. Supervisors or corporals will check at the start of their team's workweek the ride-along calendar for any scheduled riders they may have that week. If there is a problem with a ride request, they will contact the front desk officer. Ride requests may be canceled by the shift with notification to the front desk officer.

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B. Supervsiors will ensure that a signed Hold Harmless Agreement is completed before every ride-along. This form will then be forwarded to the Administratrive Secretary in the Chief's Office for filing.

C. The shift will check the riders ID prior to the ride.

D. An officer may cancel a ride at any time for reasonable cause.

E. If sensitive information is being given out during roll call, the rider may be asked to wait briefly outside the drill hall while the information is being discussed.

F. Participants may only ride with officers who are off probation.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on scene, including the reporting of exposures and supervisor responsibilities.

412.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability to inflict harm during exposure, and characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer, thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

412.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via the chain of command to the Shift Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to completing an incident report as applicable.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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To ensure the safety of members, PPE (personal protective equipment) is available from the department Quartermaster. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

412.4 POLICY

It is the policy of the Spokane Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

412.5 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

A. Make the initial assessment of a potentially hazardous material from a safe distance.

B. Notify Combined Communications Center, appropriate supervisors, and appropriate fire department and hazardous response units.

   1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

C. Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

D. Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

E. Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

   1. Placards or use of an emergency response guidebook.

   2. Driver manifest or statements or shipping documents from the person transporting the material.

   3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

      (a) The type of material.

      (b) How to secure and contain the material.

      (c) Any other information to protect the safety of those present, the community and the environment.

F. Provide first-aid to injured parties if it can be done safely and without contamination.

G. Make reasonable efforts to secure the scene and prevent access from unauthorized individuals, and protect and identify any evidence.

H. Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

I. Establish a decontamination area when needed.

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J. Activate automated community notification systems, if applicable.

K. Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Spokane Local Emergency Planning Committee (LEPC) procedures.

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Hostages and Barricaded Suspects

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Spokane Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 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.

414.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

A. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

B. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

C. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

D. Provide responding emergency personnel with a safe arrival route to the location.

E. Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

F. Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

G. Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

H. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

I. Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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J. If necessary and available, establish a tactical or exclusive radio frequency for the incident.

K. Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

A. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

B. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

C. Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

D. Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

E. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

F. Provide responding emergency personnel with a safe arrival route to the location.

G. Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

H. Coordinate pursuit or surveillance vehicles and control of travel routes.

I. Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

J. Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

K. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

L. Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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M. If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

A. Ensure injured persons are evacuated and treated by medical personnel.

B. Ensure the completion of necessary first responder responsibilities or assignments.

C. Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

D. Establish a command post location as resources and circumstances permit.

E. Designate assistants who can help with intelligence information and documentation of the incident.

F. If it is practicable to do so, arrange for video documentation of the operation.

G. Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

H. Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Combined Communications Center.

I. Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

J. Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

K. Debrief personnel and review documentation as appropriate.

414.6 SWAT RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT.

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The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response toincidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines shall be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The bomb squad should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Shift Commander, without approaching the device, including:

1. Any associated threats.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

(h) Other hazardous devices such as commercial fireworks, improvised fireworks, containers of gunpowder and large caliber ammunition (.50 caliber and over) shall be referred to the bomb squad for disposal.

(i) When in doubt, call for assistance from Spokane City/County Explosives Disposal Unit.

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Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Secure the perimeter.
- Secure the ingress/egress for fire and EMS.
- Sweep for secondary devices.
- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Request additional resources needed.
- Identify witnesses.
- Preservation of evidence and possible crime scene.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- Fire Department
- Bomb Squad
- Field supervisor
- Shift Commander
- Duty Staff Officer (will be notified on all call-outs of the bomb squad)

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be embedded in nearby structures or hanging in trees and bushes. Fragile evidence may be found on or in victims.

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416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Police Department:

- What will cause the bomb to explode?
- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Commander is immediately advised and fully informed of the details. The Shift Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

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Mental Illness - Detentions, Referrals and Arrests

418.1 PURPOSE AND SCOPE

This policy describes an officer's duties when contacting persons believed to be mentally disabled or suicidal.

418.1.1 POLICY

It is the policy of the Spokane Police Department to respond humanely and safely to calls involving persons in crisis related to a behavioral health issue. It is also the department's policy to ensure the safety of officers and the public in responding to such calls. Officers shall conduct emergency detentions of persons with behavioral health disorders as authorized by this policy, and they shall follow mandatory reporting procedures with regard to individuals who have threatened or attempted to commit suicide.

418.2 CONSIDERATIONS AND RESPONSIBILITIES IN ALL MENTAL HEALTH CALLS

Officers responding to, or handling, a call involving a suspected or actual mentally disabled or suicidal individual should carefully consider the following:

A. The need to protect public safety;

B. De-escalation techniques for potentially dangerous situations involving mentally disabled persons, including appropriate language usage;

C. All available information which might assist in determining the cause and nature of the mental illness or developmental disabilities;

D. The importance of safeguarding the rights of mentally disabled individuals;

E. Community resources which may be readily available to assist with mentally disabled individuals.

Officers shall utilize preplanning taking prior knowledge of the location, prior knowledge of the individual(s), locations of cover/concealment, all response option possibilities into consideration in order to determine how best to deploy tactically upon arrival.

418.3 EMERGENCY DETENTION OF PERSONS WITH MENTAL DISORDERS

418.3.1 TAKING INTO CUSTODY

Pursuant to RCW 71.05.153, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital under the following circumstances:

A. When he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled; or

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B. When directed to do so by a designated crisis responder professional who receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled.

Taking a person into custody under these circumstances is authorized by RCW 71.05.153. It is also part of an officer's community caretaking function and does not constitute an arrest.

Emergency detentions based upon the written or oral request of a designated crisis responder professional evaluation will be 72-hour holds. Emergent detentions based upon the officer's reasonable cause will be 12-hour holds.

In all circumstances where a person is taken into custody on a mental health detention, the officer shall provide a verbal summary, if possible, to an emergency department staff member regarding the circumstances leading to the involuntary detention and if required by the provider, any mandatory forms. Prior to leaving the treatment facility, the officer will complete the treatment facility's Patient Report by Law Enforcement form.

In general, any person committed to an institution has the right to counsel at all times. If a person suspected of a mental disorder makes it known to the officer that he/she wishes to contact an attorney, the officer shall facilitate those arrangements as soon as practicable.

418.3.2 TRANSPORT - PROCEDURES

Officers may transport patients in the patrol unit and, if so, shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may also be restrained and transported by ambulance. The safety of transporting and attending medical staff is paramount, and officers will arrange safe transport and admittance.

418.3.3 RESTRAINTS AT MEDICAL FACILITY

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, and help provide physical control of the patient if needed.

418.3.4 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination and is found to own, have in his/her possession or under his/her immediate control, any firearm whatsoever or any other dangerous weapon, and the handling officer reasonably believes the weapon represents a danger to the person or others if the person is released, the firearm or other dangerous weapon should be taken into temporary custody for safekeeping. Any weapon seized shall be booked into property pending disposition.

Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

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Whenever the handling officer or the assigned detective has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report and may request permission from his or her supervisor to petition the court for an Extreme Risk Protection Order pursuant to SPD Policy 387.8.

418.3.5 RETURN OF CONFISCATED FIREARMS AND WEAPONS

Weapons taken into custody for safekeeping under this section will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention, the petition has been granted, or is pending before the court. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Property and Evidence Facility personnel shall be required to ensure that the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

418.3.6 REPORTING

Officers will complete a police incident report and check the routing box for “mental health services” in New World. Additionally, prior to leaving the treatment facility, officers will complete the treatment facility's Patient Report by Law Enforcement form if required by the facility.

418.3.7 RIGHTS OF THE DETAINED PERSON

Whenever any person is detained for evaluation and treatment pursuant to this chapter, the officer shall advise both the person and, if possible, a responsible member of his or her immediate family, that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention, a hearing will be held within seventy-two hours to determine whether there is probable cause to further detain the person for up to an additional fourteen days, and the person has a right to communicate with an attorney. RCW 71.05.360

418.4 MANDATORY REFERRAL OF PERSON WHO HAS THREATENED OR ATTEMPTED SUICIDE (SHEENA’S LAW)

Pursuant to RCW 71.05.458, referrals to a mental health agency pursuant to this section should be limited to instances where:

A. A person is the subject of a report of threatened or attempted suicide; and

B. The responding officer(s) believe, based on their training and experience, that the person could benefit from mental health services;

C. The person does not consent to voluntary mental health services;

D. The person is not involuntarily committed or involuntarily transported for a mental health evaluation under RCW 71.05; and

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E. The person is not being transported to a hospital or jail.

Upon responding to a report of a threatened or attempted suicide where all the aforementioned criteria are met, responding officer(s) shall refer the person to a local mental health provider.

418.4.1 REPORTING

The responding officer(s) will complete a departmental report documenting the incident so that mental health care providers can prioritize their level of response. The reporting requirement is mandatory even if officers do not feel the circumstances warrant an involuntary hold. Officers will indicate “Sheena’s Law” in the first line of their narrative, and will check the box for the report to be forwarded to the local mental health care provider. Officers are encouraged to notify the mental health care provider by phone as well. If such phone call is made, the date and time of the referral, as well as the person to whom the officers spoke, will be documented in the written report.

418.5 RIGHTS OF FAMILY MEMBERS TO NOTIFICATION PRIOR TO RELEASE OF FIREARMS (SHEENA HENDERSON ACT)

Pursuant to RCW 9.41.340, officers shall follow the department’s notification protocol that allows a family or household member to use an incident or case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person.

If officers confiscate a firearm for safekeeping or evidence regarding a person in crisis, they must provide the victim/family member a crime victim card explaining their right to notification upon the release of that weapon. The Property Facility will take care of the notification.

418.6 DISCRETIONARY PROCEDURE IN LIEU OF ARREST – MISDEMEANOR CRIMES ONLY

Pursuant to their authority under RCW 10.31.110, officers may afford a person suffering from mental illness the opportunity to obtain treatment and support in lieu of arrest for a misdemeanor crime. The procedure is as follows:

A. When a police officer has reasonable cause to believe that the individual has committed acts constituting a non-felony crime that is not a serious offense as identified in RCW 10.77.092 and the individual is known by history or consultation with the behavioral health organization to suffer from a mental disorder, the arresting officer may:

1. Take the individual to a crisis stabilization unit as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a crisis responder within three hours of arrival;

2. Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a crisis responder within three hours of arrival;

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3. Refer the individual to a crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW; or
4. Release the individual upon agreement to voluntary participation in outpatient treatment.

B. If the individual is released to the community, the crisis responder shall inform the arresting officer of the release within a reasonable period of time after the release if the arresting officer has specifically requested notification and provided contact information to the provider.

C. In deciding whether to refer the individual to treatment under this section, the officer shall be guided by standards mutually agreed upon with the prosecuting authority, including which address, at a minimum, the length, seriousness, and recent known criminal history of the individual, the mental health history of the individual where available, and the circumstances surrounding the commission of the alleged offense.

D. Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding, and does not create immunity from prosecution for the alleged criminal activity.

E. If an individual violates such agreement and the mental health treatment alternative is no longer appropriate:

1. The crisis responder shall inform the referring law enforcement agency of the violation; and
2. The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly.

F. The police officer is immune from liability for any good faith conduct under this section.

418.7 TRAINING

The Spokane Police Department will provide training to all officers regarding special populations that may include those suffering from mental health issues, mental disabilities, physical disabilities or other issues that may challenge interactions with police. It will be the responsibility of the Training Director to arrange for training and monitor department compliance.

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Crisis Intervention Incidents

419.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a behavioral health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. Such interactions often require an officer to make difficult assessments about a person's mental state and intent in order to effectively and lawfully interact with the individual.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Behavioral health crisis – A person whose safety or the safety of others is threatened by their behavior. This could be from an emotional, mental, physical, behavioral or chemical dependency crisis, distress, or problem.

419.2 POLICY

The Spokane Police Department is committed to providing a 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 Community Partners or behavioral health professionals to develop an overall intervention strategy in order to guide its members' interactions with those experiencing a behavioral health crisis. This is to ensure equitable and safe treatment for all involved.

419.3 SIGNS

Members should be alert to any of the following possible signs/symptoms of behavioral health issues or crises:

A. A known history of mental illness and/or substance use;

B. Threats, gestures of or attempted suicide (Reference Policy: 418 Mental Illness-Detentions, Referrals and Arrests);

C. Loss of memory;

D. Incoherence, disorientation or slow response, delayed or no response to attempts to communicate;

E. Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas;

F. Depression, pronounced feelings of hopelessness, helplessness or worthlessness, extreme sadness or guilt, withdrawal from others;

G. Manic or impulsive behavior, extreme agitation, lack of control;

H. Lack of fear, lack of awareness of surroundings;

I. Anxiety, aggression, rigidity, inflexibility or paranoia.

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a behavioral health issue or crisis.

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419.4 FIRST RESPONDERS

Safety is the priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a behavioral health crisis. Furthermore, a medical condition may also resemble a behavioral crisis, so it is important for officers to consider medical factors when determining their course of action.

These individuals may still present a serious threat to officers. Such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that behavioral health issues, behavioral health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

A. Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a behavioral health crisis or medical emergency 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 in an attempt 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. Consider less lethal options and strategic disengagement, employing tactics to preserve the safety of all participants. Absent an imminent threat to the public, this may include removing or reducing law enforcement resources or engaging in passive monitoring;

F. 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;

G. Secure the scene and clear the immediate area as necessary;

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.

If feasible, contact Frontier Behavioral Health's First Call for Help at 509 838-4428 and request to speak with a designated crisis responder professional for any additional information that may

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be relevant to assist officers with the individual in crisis, and/or to request on-site presence of a designated crisis responder professional.

419.5 INCIDENT RESPONSE

When responding to an incident that may involve mental illness or a behavioral health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

A. Whether the person relies on drugs or medication, or may have failed to take his/her medication;

B. Whether there have been prior incidents, suicide threats/attempts, and whether there have been previous law enforcement responses;

C. Contact information for a treating physician or crisis responder professional.

Officers shall employ de-escalation tactics when appropriate and request additional resources, including a supervisor, as warranted.

419.6 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of an interaction with a person in crisis when possible and/or when requested. Responding supervisors should:

A. Attempt to secure appropriate and sufficient resources;

B. Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy);

C. Consider less lethal options and strategic disengagement, employing tactics to preserve the safety of all participants. Absent an imminent threat to the public, 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.

419.7 CIVILIAN / NON-COMMISSIONED INTERACTION WITH PEOPLE IN CRISIS

Civilian / Non-commissioned members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records requests, and animal control issues.

A. Members should treat all individuals equitably and with dignity and respect.

B. If members believe that they are interacting with a person in crisis, they 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

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

419.8 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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Citation Releases

420.1 PURPOSE AND SCOPE

Officers may use citation, a notice to appear or juvenile referral release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with certain exceptions. The state courts have stated the intent to release all persons on misdemeanor and gross misdemeanor citations, if qualified for such release.

420.2 RELEASE METHODS

A. Release of adult violators by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:

1. A field release is when the violator is released in the field without being transported to a jail facility.
2. A jail release is when a violator is released after being transported to the jail and booked.

B. Release of juvenile violators for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:

1. A field release in which the case is handled by referral.
2. A jail release in which the juvenile is booked into the juvenile facility.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a Police officer.

Officers are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

An officer booking a suspect into jail shall notify a commissioned supervisor prior to the booking, or as soon as practicable.

A supervisor may authorize an "exceptional booking": when he/she has determined that immediate incarceration is necessary for public safety.

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420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with state court rules.

420.3.1 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)).

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be booked into jail.

420.3.3 DISQUALIFYING CIRCUMSTANCES

In determining whether to release the person or to book him or her into jail, officers shall consider the following factors (CrRLJ 2.1 (b)(2)):

A. Whether the person has identified himself or herself satisfactorily.

B. Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.

C. Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.

D. Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she issues the defendant the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exception:

- Misdemeanor traffic violations of the RCW and SMC.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to Juvenile Court for further action including diversion.

If the juvenile is arrested for a felony, the juvenile may be booked into the juvenile facility. However, a referral is also acceptable in these circumstances. In the case of a referral, the officer shall release the juvenile to a parent or legal guardian. When considering whether to book the juvenile or handle by referral, the officer should consider the following, in addition to factors listed in 420.3.3, as reasonable circumstances in which to book the juvenile:

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- the gravity of the offense
- the past record of the offender
- the age of the offender

The juvenile suspect:

- will likely fail to appear for further processing, or
- the juvenile has committed a crime while another case is pending, or
- the juvenile is a fugitive from justice, or
- the juvenile's parole has been suspended or modified

420.5 BOOKING OF POSTAL WORKERS AND COMMON CARRIERS

Whenever a postal worker for the Unites States Postal Service (USPS), or an operator of a commercial bus, is taken into custody, a supervisor shall respond. The responding supervisor shall immediately notify the suspect's employer of the arrest. The supervisor will make a reasonable effort to insure that the USPS or transportation company is allowed to continue the service interrupted by the suspect's arrest.

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Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State website.

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 40 consular officers in Washington, with most located in Seattle and Spokane.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue

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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.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

A. Identification documents are to be requested of the claimant.

B. The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.

C. The identity and immunity status of the individual shall be conclusively established.

D. Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word “Refused” shall be entered in the signature box, and the violator shall be released.

E. Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.

F. All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.

G. The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification <u>and</u> the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled

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to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.7.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

A. Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

B. Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Diplomatic Security Service
915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721(206) 220-7723 FAX

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement

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agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have the collision report coded as required. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the

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claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

A. There is a valid judicial warrant issued for the person's arrest.

B. There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

Officers are committed to providing service and enforcing laws in a fair and equitable manner. Officers do not rely solely on race, ethnicity, national origin or immigration status as a basis for probable cause or reasonable suspicion or as a motivating factor in making law enforcement decisions.

Officers shall not contact, question, delay, detain or arrest an individual because s/he is suspected of violating immigration laws.

Requesting adequate identification as part of a criminal investigation is necessary and appropriate. However, officers should not:

> Request specific documents relating to someone’s immigration status such as a passport, alien registration card, or “green card,” unless the officers are conducting a criminal investigation where the civil immigration status is relevant to the crime under investigation. When a person fails to produce a driver’s license or identity card upon request as required by state law, it is not a violation of this policy for an officer to inquire whether the person has any other form of identification, such as a passport.

Officers shall not use stops for minor offenses, the provision of assistance during traffic accidents, or requests for voluntary information as a pretext for discovering a person’s immigration status.

International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.

Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is

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entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

This procedure applies to detentions of more than two hours. Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Combined Communications Center with the information below as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

Officers shall provide Combined Communications Center with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

422.7.2 DOCUMENTATION

Officers shall document in the appropriate Arrest-Investigation Report, the date and time the Combined Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality, and will note the name of the person contacted at the embassy/consulate.

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Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence committed in schools, workplaces and other locations by individuals or groups of individuals who are determined to target and kill persons and create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY

The Spokane Police Department will endeavor to plan for rapid response to crisis situations, and coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the department when protecting themselves or others from death or serious injury.

424.3 FIRST RESPONSE

Unless immediate tactical action is necessary, one of the initial arriving law enforcement officers shall assume incident command and establish a command post outside the immediate threat area as soon as practical. Priorities for the initial Incident Commander include establishing an inner perimeter for the immediate scene (keep the incident from expanding), locating a staging area(s) for incoming personnel, identifying ingress-egress locations for movement in and out of the scene, coordinating with Fire/EMS to establish unified command, and making proper mutual aid requests as well as chain of command notifications until relieved by the first arriving supervisor. While this may not be possible in all incidents or jurisdictions, it is critical that command be established as soon as possible during an incident of this nature.

Unless immediate tactical action is necessary, additional incoming units will not self-deploy at the scene but will instead report to the designated staging area(s) unless otherwise directed by the Incident Commander.

COMMAND CONSIDERATIONS: The Law Enforcement I.C. (as determined per department policies) shall coordinate all mutual response activities with the Fire Department I.C. A Unified Command should be considered for any incident involving ongoing violence, the potential for ongoing violence, or extended operations that include Fire/EMS.

COMMUNICATIONS: Face-to-face communication is the desired method of communication between Police and Fire/EMS, preferably a unified command.

424.4 CONSIDERATIONS

When dealing with a crisis situation members should:

A. Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

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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.

424.5 PLANNING

The Shift Commander should coordinate critical incident planning. Planning efforts should consider:

A. Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

B. Availability of building plans and venue schematics of likely critical incident target sites.

C. Communications interoperability with other law enforcement and emergency service agencies.

D. Training opportunities in critical incident target sites, including joint training with site occupants.

E. Evacuation routes at critical incident target sites.

F. Patrol first-response training.

G. Response coordination and resources of emergency medical and fire services.

H. Equipment needs.

I. Mutual aid agreements with other agencies.

J. Coordination with private security providers at critical incident target sites.

424.6 TRAINING

The Training Lieutenant shall be responsible to coordinate training for rapid response to critical incidents.

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Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Spokane Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Commander. If the request is of an emergency nature, the officer shall notify the Combined Communications Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the City of Spokane shall notify his/her supervisor or the Shift Commander and respective jurisdiction at the earliest possible opportunity. Exceptions would include in-progress and minor offenses that extend past the immediate jurisdictional boundaries. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded through the chain of command.

426.2 SPOKANE POLICE JURISDICTION

In addition to the incorporated City limits of Spokane, SPD also has primary jurisdiction at:

- All Spokane County owned buildings or properties within the City limits except: 1)non-public areas of the Spokane County Jail, 2) any incident within the Superior, Juvenile, or District Courts involving inmates of the Spokane County Jail.
- All Washington State properties or buildings within City limits.

SPD has concurrent jurisdiction with federal authorities at the Veteran's Hospital, 4815 N. Assembly and the Federal Court House, 920 W. Riverside.

Federal authorities have exclusive jurisdiction at the fenced cemetery and military vehicle storage area in Ft. George Wright and that area of the Main Post Office, Riverside and Lincoln, extending from the south side of that building to the north to include the executive offices.

SPD officers may be called to these areas for exigent circumstances. Civil or criminal process may be executed in the exclusive areas .

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Immigration Violations

428.1 PURPOSE AND SCOPE

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Officers shall not contact, question, delay, detain or arrest an individual because s/he is suspected of violating immigration laws. Officers should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them due to that immigration status. Undocumented presence, in and of itself, is not a criminal violation.

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).

The immigration status of individuals is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The Department of Homeland Security has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (U.S.C.) dealing with illegal entry. When assisting DHS at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

However, a request from DHS does not provide legal basis to stop or detain an individual, or to prolong the detention of an individual. Officers must have an independent legal basis to stop or detain any individual. It is the policy of this department that we do not ask about immigration status unless it is directly related to the crime being investigated.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). SPD staff should not call ICE on their behalf. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of such immigration violations under Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the basis for contact, detention or arrest.

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428.3.2 SWEEPS

The Spokane Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, sex (including pregnancy, gender identity, and sexual orientation), age (40 or older), religion, creed, color, national origin, ancestry, disability, marital status, familial status, genetic information, veteran or military status.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, sex (including pregnancy, gender identity, and sexual orientation), age (40 or older), religion, creed, color, national origin, ancestry, disability, marital status, familial status, genetic information, veteran or military status.

428.3.3 DEPARTMENT OF HOMELAND SECURITY (DHS) REQUEST FOR ASSISTANCE

If a specific request is made by DHS or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (RCW 10.31.100). A field supervisor shall approve all such arrests.

428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

Any person detained for an infraction pursuant to the authority of RCW 46.61.021, may be detained, upon approval of a supervisor, for a reasonable period for the purpose of determining the person's true identity.

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428.4 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-918B or I-914B 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.

Per HB 1022, the Spokane Police Department is required to sign and complete a U-Visa certification when a crime victim, or their certified representative, requests one; is a victim of a criminal activity; and has been, is being, or is likely to be helpful to the detection, investigation, or prosecution of the qualifying criminal activity. In addition, the Spokane Police Department is required to process the certification within ninety (90) days of the request. If the victim is in federal immigration removal proceedings, the request shall be processed no later than fourteen (14) days after the request is received. The Spokane Police Department shall not withdraw the certification unless the victim unreasonably refuses to provide information and assistance related to the detection, investigation, and prosecution of criminal activity. A current investigation, the filing of charges, and a prosecution or conviction are not required for a victim to request and obtain certification.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded immediately to the investigations sergeant assigned to supervise the handling of any related case. The investigations 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-918B/I-914B 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.

F. The Chief of Police is the only certifying official for the Spokane Police Department.

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the police department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The city's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the city side of the meter, emergency personnel should be called as soon as practical by Combined Communications Center.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Avista should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Combined Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Spokane furnishes maintenance for all traffic signals within the city, other than those maintained by the State of Washington.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Combined Communications Center of the location and problem with the signal. Officers should consider the potential of collisions due to the malfunctioning signal and take appropriate action to minimize these dangers, i.e., portable signs, barricades, or directing traffic. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

433.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

433.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

433.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Medical Examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

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An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

433.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

433.2.3 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department.

(b) The affected airport tower.

(c) Closest military base if a military aircraft is involved.

(d) Ambulances or other assistance as required.

(e) Notify area hospitals of the potential for an influx of injured patients (if appropriate).

(f) Ensure the FAA and NTSB have been notified.

When an aircraft accident is reported to the Spokane Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

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433.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The department Public Information officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his/her designee.

(b) When practical, the department Public Information officer should coordinate with the FAA Press Information officer to prepare a press release for distribution to the media.

Information released to the press regarding any aircraft accident should be handled by the SPD Public Information officer or in accordance with existing policy. The Public Information officer should coordinate the release of such information with the FAA Press Information officer.

433.3 DOCUMENTATION
Any aircraft accident (crash) within the City of Spokane, regardless of whether injuries or deaths occur, shall be documented.

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Field Training Officer Program

435.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Spokane Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, possessing all skills needed to operate in a safe, productive and professional manner.

435.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in supervising, training and evaluating entry level and lateral police officers in the application of acquired knowledge and skills.

435.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

A. Desire to be an FTO.

B. Minimum of four years of patrol experience, two of which should be with this department.

C. Demonstrated ability as a positive role model.

D. Participate and pass an internal oral interview selection process.

E. Evaluation by supervisors and current FTOs.

F. Hold a valid Peace Officer Certificate with CJTC.

G. Successfully complete an Internal Affairs review.

435.2.2 TRAINING

Officers selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs will attend monthly FTO training. This training will be at least two hours per month. If an FTO is unable to attend monthly training they need to communicate that to the FTO Coordinator and/or the FTO Sergeant who will determine if an exception will be made for that incident.

In an effort to maintain and enhance the skills of FTOs an effort will be made to send them to outside training and/or conferences to enhance their skills.

435.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR AND FTO COORDINATOR

A Sergeant will be the overall supervisor of the FTO Program. If possible a Sergeant who is assigned to the Academy will fill this role. In addition to the Sergeant an Officer will fill the role of the FTO Coordinator.

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The FTO Program supervisor (FTO sergeant) shall have the responsibility of, but not be limited to the following:

A. Review the assignment of trainees to FTOs.

B. Assist the FTO Coordinator with conducting FTO meetings.

C. Review all Bi-Weekly and Phase 3 reports. Based on the reviews create remedial training if needed.

D. Evaluate and mentor FTOs.

E. Liaison between Patrol supervisors and the FTO Program.

A Patrol Officer First Class or Senior Police Officer will fill the position of the FTO Coordinator. This position will be a rotation that follows that of other specialty units within the department. The expectation of the FTO Coordinator is to provide an objective overview of the program from the FTO's perspective. In addition to FTO duties the FTO Coordinator will be the coordinator for department's recruitment efforts and assist with instruction for department trainings and/or the Basic Law Enforcement Academy. The FTO Coordinator's responsibilities include:

A. Review and approve Daily Observation Reports.

B. Assist FTOs with mentoring their recruits.

C. Assist the FTO Sergeant with conducting FTO Meetings.

D. Develop and implement the assignment of Officers in Training (OIT) to FTOs.

E. Assist in the development and implementation of remedial training.

F. Maintain liaison with academy staff on recruit performance during the academy.

G. Assist in developing ongoing training for FTOs.

435.4 "OFFICER IN TRAINING" DEFINED

Any entry level or lateral police officer newly appointed to the Spokane Police Department who has successfully completed a CJTC approved Basic/Equivalency Academy.

435.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 18 weeks for entry level officers and 10 weeks for lateral officers.

The training period for lateral officers may be modified depending on the individual's demonstrated performance and level of experience.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

435.5.1 FIELD TRAINING MANUAL

Every new officer will be logged into the FTO computer system known as Crown Pointe. Included in this system will be all the subject matter and/or skills necessary to properly function as an officer

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with the Spokane Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in Crown Pointe.

435.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

435.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

A. Complete and submit a written evaluation on the performance of their assigned OIT to the FTO Coordinator on a daily basis. A Bi-weekly evaluation will be completed by the FTO and once it has been reviewed by the OIT and Patrol Sergeant it will be forwarded to the FTO Sergeant for approval.

B. Sign off all completed electronic checklists and call logs contained in Crown Pointe, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

C. When the regular FTO is sick/leave/training a substitute FTO will be used. If a substitute FTO isn't available then a tenured officer will be selected by the Patrol Sergeant. The substitute FTO will complete a Daily Observation Report (D.O.R.) which will be contained in Crown Pointe. If a tenured officer is used they will document the OIT's performance on a Word Document and provide that to the FTO on their return. The FTO then can create an "Absent D.O.R." and in the narrative portion paste the comments written by the training officer.

435.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Bi-Weekly Trainee Performance Evaluations in Crown Pointe.

During Phase III, Patrol Sergeants shall complete a monthly evaluation on all probationers assigned to them in Crown Pointe.

435.6.3 FIELD TRAINING SERGEANT

The FTO Sergeant will review and approve the Bi-Weekly Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

The FTO Coordinator will review and approve the DORs from each FTO. If the Coordinator sees a trend of sustained deficient performance he/she will notify the FTO Sergeant and a remedial training plan will be developed.

435.6.4 OFFICER IN TRAINING

At the completion of the Field Training Program, the OIT shall submit a performance evaluation on each of their FTOs and on the Field Training Program.

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435.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in Crown Pointe, consisting of:

A. Daily Observation Reports (DORs).

B. Bi-Weekly Reports.

C. Corrected mid-term and final FTO exams.

D. Completed check lists and call logs.

E. Monthly Phase 3 reports.

435.8 FTO BOARD

The FTO Board is chaired by the Training Lieutenant and overseen by the Director of Strategic Initiatives. The FTO board will convene at the request of the Training Lieutenant when the employment status of a probationary officer needs to be addressed due to their performance. Based on all information gathered about the employee's performance, the FTO board will recommend the retention or termination of the probationary employee to the Chief of Police or his/her designee who will be present in the meeting.

The FTO Board will consist of:

A. The Patrol Major and/or Captain

B. The FTO Sergeant

C. The FTO Coordinator

D. The probationary employee's Field Training Officers.

The decision of the board will be communicated to the probationary employee by the Chief of Police or his/her designee in coordination with the Training Lieutenant or his/her designee. The Training Lieutenant or his/her designee will either collect all City property if the employee is terminated or create an improvement/training plan for the employee.

435.9 REMEDIAL TRAINING FOR VETERAN OFFICERS

When FTOs are required to be involved in the re-training or supplemental training of veteran officers, the current FTO Training Model shall be used. Reporting of this training will be the same as the FTO daily and bi-weekly reports.

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Obtaining Air Support

437.1 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.

437.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance shall be made by first contacting the DSO.

437.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

The Shift Commander shall determine if the situation warrants a request for a call-out of the SCSO helicopter unit. If permission is granted, the Shift Commander shall direct the Combined Communication's Center to make the appropriate notifications.

437.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

(f) Other situations as determined by the field supervisor.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Detentions And Photographing Detainees

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

439.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person’s freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

439.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

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(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

439.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Spokane Police Department to strengthen our community involvement, community awareness and problem identification.

439.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Officers should seek consent to record such statements whenever possible.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,

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consent should be obtained from the parent or guardian, if available, prior to transportation.

439.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down 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 deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

439.5 FIELD PHOTOGRAPHS

When collecting photographic evidence, corporals shall not photograph the intimate areas of persons of the opposite gender. Intimate areas shall mean the breasts, buttocks and genitals.

If a photograph of any person's intimate area is necessary for evidentiary purposes, corporals may utilize another officer who is of the same gender as the person being photographed. If a same gender officer is not available, the corporal may use medical personnel, preferably of the same gender. If the person who is to be photographed objects to the medical personnel taking the photographs, the forensics unit will be called out to do so.

Corporals should give direction to the officer or medical personnel taking the photographs on the operation of the camera, the specific evidentiary need for the photograph, and the area(s) to be photographed. Corporals should review the photographs (not in the presence of the person the pictures were taken of) to ensure that the evidentiary need has been met.

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

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439.5.1 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 document in a report or FI that the individual consented to a posed photograph(s).

439.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

439.6 SUPERVISOR RESPONSIBILITY
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

439.7 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Forensics Unit. An associated FI card, incident report, or other memorandum explaining the nature of the contact must be completed. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph log.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

439.7.1 PURGING THE FIELD PHOTO FILE
Investigative units whose primary responsibility is the collection, retention, dissemination and purging of criminal intelligence will review and purge photographs in compliance with 28 CFR PT.23.

439.8 PHOTO REVIEW POLICY
Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to

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this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

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Criminal Street Gangs

441.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity.

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants.

441.2 DEFINITIONS

Criminal Street Gang (RCW 9.94A.030) - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name, or common identifying sign or symbols, having as one of its primary activities the commission of criminal acts, and whose members and associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

Criminal Street Gang Associate or Member (RCW 9.94A.030) - Any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

Criminal Street Gang-Related Offense (RCW 9.94A.030) - Any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang, with the intent to gain admission, or promotion within the gang, or with the intent to promote further or assist in any criminal act by the gang, or is committed for one or more of the following reasons: To increase or maintain the gang size, membership, prestige, dominance, or control in any geographical area; to exact revenge, or retribution for the gang, or any member of the gang; to obstruct justice, or intimidate or eliminate any witness against the gang, or any member of the gang; to directly or indirectly cause any benefit, aggrandizement, gain profit, or other advantage for the gang, its reputation, influence, or membership; or to provide the gang with any advantage in, or any control or dominance over any criminal market, sector, including but not limited to manufacturing, delivering or selling any controlled substance, arson, trafficking in stolen property, promoting prostitution, human trafficking, or promoting pornography.

441.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Spokane Violent Crimes Gang Enforcement Team shall be authorized to collect information on individuals who are reasonably suspected of participating in a criminal street gang and groups that are suspected of being a criminal street gang.

(a) A group of three or more individuals shall be designated a criminal street gang when:

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1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.

(b) Criteria For Gang Member Database Submission: A subject can be entered into the Spokane Regional GangNet database when two or more of the following criteria are found through investigation, coupled with the officers' training and expertise. The only single-criteria approved for entry is an in-custody jail classification interview:

1. Subject has admitted to being a gang member.
2. Subject has been arrested with known gang members for offenses consistent with gang activity.
3. Subject has been identified as a gang member by a reliable informant/source.
4. Subject has been identified as a gang member by an untested informant.
5. Subject has been seen affiliating with documented gang members either in person or photos. A photo alone cannot justify these criteria. The Training and experience of the officer will be relied on in determining the context of the photo.
6. Subject has been seen displaying gang symbols and/or hand signs.
7. Subject has been seen frequenting gang areas.
8. Subject has been seen wearing gang-specific attire.
9. Subject is known to have gang-specific tattoos or gang-specific body modifications. Knowledge of these body markings must be documented.
10. An admission of gang membership during an in custody jail/prison classification interview. *(All others require two criteria). *The Spokane Police Department shall maintain source documentation, which adequately supports each entry.*

(c) Criteria For Gang Associate Database Submission: The associate information is entered into the Spokane Regional GangNet database for the purpose of providing further identification, through an established relationship, of an existing gang member. There are two mandatory separate submission criteria established for entry of associates into a gang member's record. The following two criteria must be present:

1. The individual is known to associate with active gang members.
2. The law enforcement or criminal justice officer has established a reasonable suspicion the individual is involved in criminal activity or enterprise. The officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience and training rather than mere hunch

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or whim. *The Spokane Police Department shall maintain source documentation, which adequately supports each entry.*

(d) An individual may be designated as a gang associate only when the individual is known to associate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

441.4 CRIMINAL STREET GANG TEMPORARY FILE

All information to be retained in the Spokane Violent Crimes Gang Enforcement Team's (SVCGET) criminal intelligence files must meet the stated guidelines for file definition and content. Information will only be retained in one of three file categories as set forth below:

(a) Permanent File:

1. This file includes individuals, groups, businesses, and organizations which have been positively identified by one or more distinguishing characteristics and criminal involvement.
2. Retention Period: The retention period is five years after which the information is evaluated for its file acceptability.

(b) Temporary File:

1. The temporary file includes information about individuals, groups, businesses, and organizations which have not been positively identified by one or more distinguishing characteristics, or other information that the SVCGET reasonably suspects is related to criminal activity.
2. Individuals, groups, and organizations are given temporary file status only if at least one of the following situations applies:
   (a) The subject is unidentifiable because there are no physical descriptors, identification numbers, or distinguishing characteristics available
   (b) The SVCGET reasonably suspects that the subject is involved in criminal or gang activity
   (c) The subject has a history of criminal or gang conduct, and the circumstances afford him an opportunity to again become active
   (d) The reliability of the information source and/or the validity of the information content cannot be determined at the time of receipt
   (e) The information appears to be significant and merits temporary storage.
3. Retention Period: The retention period is one year during which time effort is made to secure additional data verification. If the information still remains in the

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temporary file at the end of one year with no update information added, and no information is available, the information is purged and destroyed.

(c) Working File:

(a) The working file is the receiving phase of newly acquired raw data. The SVCGET staff will review the new materials for its acceptability to the SVCGET's criminal intelligence storage system.

(b) Retention Period: The retention period is thirty working days during which effort is made to determine the value of the raw data and its acceptability to the SVCGET's criminal intelligence system.

(c) The SVCGET supervisor will be kept informed of the content of a working file

441.4.1 GANG INTELLIGENCE DATABASES

While this policy does not establish a gang intelligence database, the Chief of Police may approve one or more gang intelligence databases for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether a report or FI contains information that would substantiate an entry into a department approved intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Division after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Manager to retain reports and FIs in compliance with the procedures of the department approved gang/intelligence file and 28 C.F.R. § 23.20. The Records Manager may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit Supervisor.

441.5 FIELD CONTACTS

(a) Field Interviews

1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a F.I. card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant.

(b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

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441.6 INQUIRY BY PARENT OR GUARDIAN

All inquiries will be made to the Spokane Violent Crimes Gang Enforcement Team supervisor for determination of dissemination of information. When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, acknowledgment of member or associate status may be provided by the Gang Enforcement Team supervisor, unless the release of such information can be clearly shown to jeopardize an on going criminal investigation. All inquiries will be made to the Gang Enforcement Team Supervisor for determination of dissemination of information. No information will be provided over the phone, and proof of parental authority will be required before any information is released. No documents or photographs will be provided or released.

441.7 REVIEW AND PURGING OF GANG PARTICIPANT DATABASE

The database shall be reviewed and purged on an ongoing basis in accordance with 28 CFR part 23, state law, and the Criminal Intelligence Unit guidelines.

All other files shall be retained or purged in accordance with records management guidelines and general records retention schedules.

441.8 DISSEMINATIONS OF THE FILE INFORMATION

Information from criminal street gang participant databases may be furnished to authorized department personnel and other authorized public law enforcement agencies, including the statewide gang database and the Spokane Regional GangNet system, only on a need to know and right to know basis in compliance with 28 CFR part 23 and state law, R.C.W. 42.56.240 and 43.43.762 and .856. This means information that may be of use in the prevention of gang related criminal activity or in the investigation of gang related crimes may be released to members of this department and other law enforcement agencies at the discretion of the unit supervisor or his/her designee.

441.9 REPORTING CRITERIA AND ROUTING

(a) Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related shall be documented on a report form.

1. The reporting officer shall describe why the incident may be criminal street gang related and document statements, actions, dress, etc. that would tend to support the belief that involvement of a criminal street gang has occurred.

2. The officer shall specifically indicate that a copy of the report be routed to the Spokane Violent Crimes Gang Enforcement Team.

(b) Officers completing a field interview card under the guidelines above shall route it to the Spokane Violent Crimes Gang Enforcement Team.

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441.10 SPOKANE REGIONAL GANGNET

The SPD shall establish, maintain and oversee the operations of a regional criminal gang database, to be known as the Spokane Regional GangNet System. The system will establish and maintain a database to cover the geographical area of Eastern Washington and Northern Idaho. The system shall be maintained in conformance with this policy, and all other policies and laws regarding the collection, maintenance, dissemination and purging of criminal intelligence information.

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Shift Commanders

443.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a lieutenant, who is in charge of a shift, shall ensure appropriate team supervision.

443.1.1 DUTIES

Specifically, a patrol lieutenant reports to the Operations Bureau captain and is responsible for the following:

- The implementation of departmental rules, regulations, policies and procedures
- The personnel assigned to the shift and the quality of their performance
- The management of a precinct in accordance with the goals, objectives and priorities set by the division management team.
- Discipline within the precinct
- The development and training of subordinates

443.2 DESIGNATION AS ACTING SHIFT COMMANDER

When a Lieutenant is unavailable for duty as Shift Commander, in most instances the senior qualified sergeant shall be designated as acting Shift Commander. This policy does not preclude designating a less senior sergeant as an acting Shift Commander when operational needs require or training permits.

443.3 SHIFT SUPERVISION

Generally, shift staffing shall consist of two supervisors, one of which may be a corporal, being on duty at any given time.

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Mobile Digital Device Use

447.1 PURPOSE AND SCOPE

The Mobile Digital Device (MDD) accesses confidential records from the State of Washington, Department of Justice and Department of Licensing databases. Employees using the MDD shall comply with all appropriate federal and state rules and regulations.

447.2 MDD USE

The MDD shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the department are strictly forbidden.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All Priority 1 and 2 calls will be dispatched to patrol units by voice and MDD.

447.2.1 USE WHILE DRIVING

Use of the MDD by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safely needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.2.2 DOCUMENTATION OF ACTIVITY

MDD's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDD.

447.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service, out-of-service) will be transmitted either **verbally** over the police radio or through the MDD system.

*** All commissioned personnel shall log into CAD and log off using either radio, phone, or MDD.**

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Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status should be entered by depressing the appropriate keys on the MDD's.

447.3 MDD CONSIDERATIONS

447.3.1 NON-FUNCTIONING MDD

Whenever possible, officers will not use units with malfunctioning MDD's. Whenever officers must drive a unit in which the MDD is not working, they shall notify the Combined Communications Center. It shall be responsibility of Combined Communications Center to record all information that will then be transmitted verbally over the police radio.

447.3.2 BOMB CALLS

Officers shall not use any equipment, including MDD's, to transmit a radio frequency signal within 300 feet of a suspected improvised explosive device.

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Bicycle Patrol Program

453.1 PURPOSE AND SCOPE

The Spokane Police Department has established the Bicycle Patrol Program (BPP) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

453.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the patrol supervisor or the Shift Commander.

453.3 TRAINING

Participants in the program must complete an initial department approved bicycle-training course. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.
- Qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

453.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the departmental approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmental approved helmet, riding gloves, protective eye-wear and approved footwear. Soft body armor/vest is required.

The bicycle uniform consists of the department approved white polo shirt or white uniform short-sleeved shirt with white tee shirt worn underneath it and Department approved bicycle shorts or long bicycle pants, solid white socks, ankle length without logos or brand visible and department approved bicycle or athletic shoes. The department approved jacket may also be worn. Spandex black or blue shorts may be worn under the required bicycle shorts.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment if feasible.

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Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

453.5 CARE AND USE OF PATROL BICYCLES

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair request will be submitted through the chain of command.

Bicycle maintenance will be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

453.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator.

Department purchased bike uniform items and equipment shall be returned to the quartermaster at the end of the seasonal bike patrol program.

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Unlawful Transient Shelter

454.1 PURPOSE AND SCOPE

This policy shall establish the professional philosophy and procedures of the Spokane Police Department when enforcing the provisions of the transient shelter ordinance.

It is the purpose of this policy to prevent the following harms associated with people creating unlawful shelters on public property and on public right of ways:

(a) Safety hazards to persons and/or property occasioned by use of open flames or fires without proper containment and/or fire suppression apparatus, and/or obstructions and/or impediments in public right of way.

(b) Negative environmental impacts occasioned by contamination from improper disposal of solid waste, detergents and fuels and/or particulate and chemical pollution of the air from open fires and use of improper fuels.

(c) Negative public health impacts occasioned by a lack of proper sanitary facilities creating a situation where campers have commonly and openly urinated and defecated on public property and on the public right of ways and lack of solid waste disposal facilities causing the accumulation of litter, garbage and other debris.

(d) Negative impacts on public property occasioned by interference with the intended use of public property and/or right of ways by members of the community at large and the degradation of the aesthetic value of the public property and/or right of ways based upon the prohibited activities.

Any enforcement of this policy will be under supervisory authority. Any enforcement of this policy will occur with the understanding and awareness of the homeless issues.

The supervisor will insure that appropriate agencies are notified for clean up and/or mitigation of health and safety conditions.

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Automated License Plate Readers

461.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Spokane Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

461.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment shall be managed by Law Enforcement Information Systems (LEIS). LEIS will assign a technician to administer the day-to-day operation of the ALPR equipment and data. The ALPR technician will monitor the ALPR server each shift to ensure the stolen auto hot list is downloaded from the Washington State Patrol server on a regular basis and that ALPR operators field data is being uploaded and stored properly. ALPR data retention and access will be managed by the Investigative Division who will assign a first line supervisor to this function.

461.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.

(e) If practicable, the officer should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

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461.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Spokane Police Department and because such data may contain confidential ACCESS information it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

Collection and retention of ALPR data is subject to the following guidelines:

(a) Files will be transferred from field units to department servers in accordance with current Spokane Police Department file storage procedures.

(b) All ALPR data captured during a shift should be transferred to the department server before the end of each shift. Once transferred all ALPR data should be immediately purged from the mobile workstation.

All ALPR data downloaded to the server shall be stored according to the Washington State Law Enforcement Records Retention Schedule, and thereafter should be purged unless it has become, or it is reasonable to believe it will become evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

461.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Spokane Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All requests for access to stored ALPR data shall be logged and a stated purpose for access must be provided.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting who accesses the information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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First Amendment Assemblies

462.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

462.2 POLICY

The Spokane 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.

462.3 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 (must involve a criminal act such as criminal trespass, disorderly conduct, pedestrian interference, etc.).
- Rioting (assault/malicious mischief being committed by a group of four or more individuals).

For the purpose of this policy an unlawful assembly must include continued criminal acts being committed by members of the group.

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. This does not prohibit an officer from giving verbal commands, directives, checking on the welfare of participants, or from engaging in neutral conversations with participants.

(b) Harass, confront or intimidate participants.

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(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

462.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording (to include body worn cameras), 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 (to include body worn cameras) 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.

462.4 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 (also for potential counter-protests)
- 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 Combined Communications Center, and the assignment of a supervisor should be requested to respond if the unplanned event is likely to lead to criminal activity, lead to injuries, or cause a disruption to vehicle and pedestrian traffic. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

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462.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

462.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- 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).

462.5.2 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.

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(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

462.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

462.6 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. If there are multiple groups (e.g., counter protestors) only those groups engaged in criminal activity should be given a disperal order.

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. For large and/or spread out crowds 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.

If there are two or more groups only those groups engaged in criminal activity should be given a disperal order. If two or more groups are engaged in criminal activity, then each group should be

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given instructions specific to each group to avoid potential confusion, avoid moving the problem to a different location, or from creating additional conflict.

462.7 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 should be used in accordance with the Use of Force policy.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

462.8 ARRESTS

The Spokane Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

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462.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy). Media access should not be restricted unless they impede law enforcement actions or create a safety risk.

462.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

462.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event (e.g., unlawful assembly, riot, mass arrest), 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, Combined Communications Center records/ tapes

(g) Media accounts (print and broadcast media)

462.11.1 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.

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462.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Public Recording of Law Enforcement Activity

463.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

463.2 POLICY

The Spokane Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

463.3 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.

463.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

463.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

463.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) The recording contains evidence of a serious crime and its collection is necessary to a criminal investigation. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Medical Aid and Response

464.1 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.

464.2 POLICY

It is the policy of the Spokane Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

All department training should be in accordance with Washington State Emergency Services (EMS) standards and protocols.

464.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, chest compressions and/or 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, and all emergency law enforcement functions have been completed.

Prior to initiating medical aid, the member should contact Combined Communications Center 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 Combined Communications Center 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, genders and ages, 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 to the degree possible while awaiting the arrival of EMS.

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Members should not direct EMS personnel on whether to transport the person for treatment.

464.4 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 significant injuries or who may be seriously ill. EMS personnel should normally be used to handle patient transportation in such cases.

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.

464.5 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 to 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 either help persuade the person to agree to treatment, or who may be able to authorize treatment for the person.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

464.5.1 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.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee with a serious medical issue to a hospital without a supervisor's approval.

464.6 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.

464.7 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.

The Patrol Bureau Commander shall develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating such guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the appropriate size of the landing zone.
- Responsibility for securing the area and maintaining security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One Department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.

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- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

464.8 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).

464.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in vehicles should check the AED at the beginning of each shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and sent to the Training Lieutenant, 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 the Combined Communications Center as soon as possible and request response by EMS (RCW 70.54.310).

464.8.2 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).

464.8.3 AED TRAINING AND MAINTENANCE

The Training Lieutenant should ensure appropriate training is provided to members authorized to use an AED.

The Training Lieutenant 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).

464.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for administration by the member (RCW 69.41.095).

464.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure that they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and sent to the Training Lieutenant or designee.

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Any member who administers an opioid overdose medication shall request response by EMS. Responding medics will be advised of the administration of the medication.

464.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication shall detail its use in an appropriate report.

464.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Lieutenant shall ensure training is provided to members authorized to administer opioid overdose medication.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Spokane Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate and should be issued to the at fault driver in a collision investigation. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

A. Explanation of the violation or charge.

B. Court appearance procedure including the optional or mandatory appearance by the motorist.

C. Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

A. When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer’s presence

B. When the offense is one or more of the traffic violations listed in RCW 10.31.100

C. When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his/her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer

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shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

It is intended that reflectorized vests be worn at any time an officer anticipates prolonged exposure to the hazards of approaching traffic created by assignment to duties such as traffic control and accident investigation. Officers may use their discretion regarding the wearing of vests during daylight hours. Use is strongly encouraged while directing traffic during hours of darkness or when visibility is limited due to inclement weather conditions. Vests maintained in the investigation units may be used any time a plain-clothes officer might benefit from being easily identified as a police officer. Use of the vests shall also be mandatory when a supervising officer directs their use to be appropriate.

500.6 HAZARDOUS ROAD CONDITIONS

The Spokane Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 SPEED MEASURING DEVICES

Prior to operating a speed measuring device, the officer must have successfully completed the Washington State Criminal Justice Training Commission basic training.

Operators shall test and calibrate the equipment in accordance with training.

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Unless each and every test result is within the tolerance level set forth by the manufacturer, the equipment will be taken out of service and repaired by authorized personnel.

500.8 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE

It is the responsibility of the Traffic Lieutenant to establish a report form and a procedure for school crossing guards to report speed violations to the Spokane Police Department. The reporting forms may be made available to adult school crossing guards and to school administrative offices (RCW 46.61.275(1)). The report form should include the following:

A. Date, time and location of the violation

B. Vehicle license plate number and state

C. Vehicle description

D. Description of the vehicle operator

E. Description of the incident

F. Contact information of the school crossing guard

G. The signature of the school crossing guard who witnessed the offense, attesting to the accuracy of the report

Reports must be submitted to the Spokane Police Department no more than 72 hours after the alleged violation occurred (RCW 46.61.275(1)).

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 Spokane Police Department whenever they occur within the department's jurisdiction.

The Traffic Lieutenant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.9.1 NOTIFICATION OF INFRACTION

The Traffic Lieutenant 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 Investigations

502.1 PURPOSE AND SCOPE

The Spokane Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded to the Records Division for processing.

502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING SPOKANE POLICE DEPARTMENT VEHICLES

If an employee is involved in a motor vehicle collision and any of the following aspects of the collision are present, a Washington State Police Collision Report shall be completed.

- There are any injuries; or,
- There is property damage to anything other than a Spokane Police vehicle; or,
- There is property damage to the police vehicle exceeding the dollar amount currently established by WSP.

If an employee is involved in a motor vehicle collision which results in no injuries, no damage to property other than the Spokane Police Vehicle, and the damage to the police vehicle is less than the dollar amount currently established by WSP, then a Spokane Police/Sheriff Uniform Incident Report may be completed. The incident report shall be classified as property damage.

A. Non-injury collisions involving department vehicles shall be investigated by a non-involved responding officer. A supervisor will respond to the scene.
    1. City Risk Management shall be notified by the on-scene supervisor.
    2. Enforcement action will be determined by the Traffic Lieutenant upon completion of the internal review.
    3. Supervisors are responsible for completing a BlueTeam collision review and for providing a recommendation unless the involved officer is of an equal or superior rank.

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B. Injury and fatality collisions involving department vehicles will be investigated as determined by the Major Crimes Lieutenant in consultation with the DSO. Responding officers shall secure the collision scene and request the shift commander to respond to the scene.

1. The shift commander will ensure proper notification has been made to the Major Crimes Lieutenant, the City Risk Management representative and the Duty Staff Officer (DSO).
2. Enforcement action for injury and fatal collisions will be determined by the Major Crimes Lieutenant.
3. The City of Spokane Risk Management investigator will coordinate with the Spokane Police investigator prior to commencing their investigation. Spokane Police investigators, during the course of the investigation, will keep Risk Management apprised of the status of the investigation.
4. The Fatal Incident Protocol will be invoked for serious and fatality collisions.
5. The Major Crimes Lieutenant is responsible for completing a BlueTeam incident report and forwarding to Internal Affairs. Once the chain of command review is complete, Internal Affairs will forward the file to the ARP for review and recommendations.

Risk Management contact numbers for internal use and after hours calls can be located on the "H" drive under the Alphalist folder, Sgt-Lt Resource folder.

*The **ONLY** number that should be given to citizens is 509-625-6826 or 509-625-6824.*

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department is either on-duty and/or driving a City of Spokane vehicle within the jurisdiction of the Spokane Police Department and is involved in a traffic collision resulting in a serious injury or fatality, the Fatal Incident Protocol will be invoked.

When an employee of this department is off-duty and the collision is within the jurisdiction of the Spokane Police Department resulting in a serious injury or fatality, the Shift Commander, shall notify the Duty Staff Officer to determine appropriate investigative protocol.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

A. Non-injury collisions involving City of Spokane vehicles shall be investigated by the responding officer. A Spokane Police Department supervisor will respond to the scene.

1. City Risk Management shall be notified by the on-scene supervisor.
2. Enforcement action will be determined by the on duty supervisor upon review of the investigation. If there is a dispute as to who is at fault, the Shift Commander will make the determination.

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B. Injury and fatality collisions involving City of Spokane vehicles will be investigated as determined by the Major Crimes Lieutenant. Responding officers shall secure the collision scene and request the shift commander to respond to the scene.

1. The shift commander will ensure proper notification has been made to the Major Crimes Lieutenant, the City Risk Management representative and the Duty Staff Officer (DSO).
2. The DSO will notify the employee's department head.
3. Enforcement action for injury and fatal collisions will be determined by the Major Crimes Lieutenant.
4. The City of Spokane Risk Management investigator will coordinate with the Spokane Police investigator prior to commencing their investigation. Spokane Police investigators, during the course of the investigation, will keep Risk Management apprised of the status of the investigation.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless:

- There is a death or injury to any person involved.
- There is a DUI involved.
- There is a hit and run violation.
- Reckless driving.
- There is a felony involved.
- Negligent driving is involved.
- Directed by any supervisor.

502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

A. When there is a death or injury to any persons involved in the collision.

B. When there is an identifiable violation of the Revised Code of Washington.

C. Property damage exceeding the dollar amount currently established by WSP.

D. When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision (RCW 46.52.070).

502.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a fatality or potential fatality, or an unusual or complicated collision scene, appropriate Major Crimes Investigators may be called out by the Shift Commander with notification to the Duty Staff Officer.

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Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Spokane Police Department.

510.2 RESPONSIBILITIES

When having a vehicle towed for ANY reason other than a private tow, a SECTOR Tow Impound form or a Uniform Washington State Tow/Impound and Inventory Record Form 3000 will be completed. Ensure that the Incident Number is on the form. The tow truck driver must receive a copy of the form. The tow driver will not leave the scene with the vehicle until they receive their copy of the form.

The responsibilities of those employees towing or impounding a vehicle are as follows:

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the police dispatcher. When there is no preferred company requested, or the driver is incapacitated or unavailable, a tow company will be selected from the rotational list of towing companies utilized by the Combined Communications Center.

If the owner is incapacitated, unavailable, or for any reason it is necessary for the department to remove a vehicle from the public right-of-way to a place of safety, the officer will complete a Uniform Washington State Tow/Impound and Inventory Record form.

510.2.2 DRIVING A NON-CITY VEHICLE

Generally, non-city vehicles should not be driven by police personnel unless it is necessary to move a vehicle a short distant, or for exigent circumstances.

510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher will verify with the officer making the request what type of impound/tow this is and shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next tow company in rotation from the list of approved towing companies.

510.2.4 OFFICER RESPONSIBILITES WITH RECOVERY OF A STOLEN VEHICLE

Upon recovery of a stolen vehicle officers shall follow patrol protocol. They shall confirm the stolen status of the vehicle, request owner notification through Communications, and verify owner's consent regarding towing and searching of the stolen vehicle. The officer shall also confirm the

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VIN through Communications, verify the plates are still with the vehicle, and whether the vehicle appears drivable.

The officer will determine if the vehicle should be left at the scene, released to the owner, impounded per the owner's consent, or impounded for evidence and further processing.

The officer shall ensure Communications receives all necessary information for further action regarding recovery of the stolen vehicle.

Communications will ensure that the proper ACCESS locates and entries are updated to reflect the appropriate status of the recovered vehicle.

510.3 TOWING SERVICES

The Spokane Police Department maintains a rotational list of tow companies who enter into a mutual agreement with the department. These tow companies must be licensed by DOL pursuant to RCW Chapter 46 and WAC Titles 204 and 308.

Nothing in this policy shall require the department to tow a vehicle.

510.4 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case or 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 (i.e. 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 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).

F. Whether the owner/operator requests that the vehicle be stored/impounded at owner's expense.

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G. 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/impounded, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances. Should an item of evidentiary value be found, stop inventory and obtain a search warrant.

Members conducting a vehicle inventory should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the department against fraudulent claims of lost, stolen, or damaged property.

510.6 VEHICLE SEARCHES

A search warrant should be obtained prior to conducting the search of a vehicle except in very limited circumstances as enumerated below:

A. With valid consent of the operator

B. To make a limited search for weapons when a reasonable suspicion exists that a suspect is dangerous and the suspect may gain immediate control of a weapon

C. Under emergency circumstances not otherwise enumerated above

Warrantless searches of vehicles are subject to numerous other restrictions under specific conditions. Officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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510.8 TOWING OF HULK VEHICLES

Hulk vehicles should be towed by the NROs, parking enforcement officers or the Business Conditions Officer, Monday through Friday, 8 a.m. to 5 p.m. Patrol officers may also tow hulk vehicles during normal business hours (Monday through Friday, 8 a.m. to 5 p.m.). Outside of these hours, hulk vehicles should only be towed by patrol officers in emergency situations, i.e., blocking the roadway, and the tow will be selected from the rotational tow list.

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Spokane Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

514.2.1 DRUG RECOGNITION EXPERT

A Drug Recognition Expert (DRE) should be utilized if an officer has reasonable grounds to suspect a driver is under the influence of drugs. Every attempt to contact an on-duty DRE should be made.

The officer should conduct standardized field sobriety tests (SFST's), use a portable breath test (PBT) device or similar instrument and place the suspect under arrest. If the investigating officer has reason to believe the driver/suspect is impaired by alcohol or his/her BAC level is over.08, the officer would process as a regular DUI. If the investigating officer has reason to believe the driver/suspect is impaired by drugs or if the driver/suspect's PBT reading is under.08, have the Combined Communication Center contact or call a DRE. Every attempt should be made to contact an on-duty SPD DRE first. If no DRE is available, have dispatch attempt to call out an SPD DRE. If the DRE is still unavailable, have the Combined Communications Center contact WSP Communications to see if there are any WSP DRE's on duty. If no DRE's are available, the officer may apply for a search warrant for blood and process accordingly.

A SPD DRE shall be called to the scene of every serious injury or fatal collision under our jurisdiction where there is a surviving driver. Every attempt should be made to contact an on-duty SPD DRE. If SPD does not have a DRE on duty, have the Combined Communication Center attempt to call out an SPD DRE. If no other DRE's are available, have the Combined Communications Center contact WSP communications to see if there are any other DRE's available.

514.3 INVESTIGATIONS

All officers are expected to enforce these laws with due diligence.

The Traffic Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

A. The Standardized Field Sobriety Tests (SFSTs) administered and the results.

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B. The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

C. Sources of additional information (e.g., reporting party, witnesses) and their observations.

D. Information about any audio and/or video recording of the individual's driving or subsequent actions.

E. The location and time frame of the individual's vehicle operation and how this was determined.

F. Any prior related convictions in Washington or another jurisdiction.

G. Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

514.4 FIELD TESTS

The Traffic Lieutenant is responsible for ensuring the standardized FSTs being taught meet the statewide standard.

514.5 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 person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH TESTS

The Traffic Lieutenant should ensure that all PBT devices used by the department are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor any device used for signs of malfunction. For any anomalies or equipment failures related to PBTs, officers should notify the SPD Traffic Unit. For any anomalies or equipment failures related to the Draeger instrument, officers should notify Washington State Patrol Dispatch.

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514.5.2 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 shall apply for a search warrant for the collection of blood.

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.

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).

514.5.3 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).

514.6 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.

514.6.1 STATUTORY NOTIFICATIONS
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of intent to suspend, revoke or deny the person's license, permit or privilege to drive upon the person and mark any state-issued license to operate a motor vehicle that is held by that person in a manner authorized by the Department of Licensing (DOL) (RCW 46.20.308).

514.6.2 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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514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer shall request a supervisor to respond.

The responding supervisor should:

A. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

B. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

C. Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

D. Ensure that the blood sample is taken in a medically approved manner.

E. Ensure the forced blood draw is recorded on audio and/or video when practicable.

F. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

   1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

   2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

   3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

G. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI shall make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100). Any exceptions will be approved by an on duty sergeant (if the sergeant is unavailable, an on duty supervisor).

Arrests supported by probable cause for DUI are mandatory booking 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). The officer shall notify jail of no bond due to prior conviction within 10 years, an

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offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

514.7.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

A. Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.

B. Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).

C. Advise the person that his/her license or permit is a temporary license.

D. Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:

   1. The officer had reasonable grounds to believe the person was DUI.

   2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

E. Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

514.7.3 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 drugs or a combination of drugs and alcohol.

D. When otherwise provided for in this policy.

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514.7.4 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); 46.61.506).

A. If the person is being booked, the officer must transport them to a hospital for additional tests

B. If the person is not being booked, he/she will make their own arrangements.

514.8 RECORDS DIVISION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Records supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers 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. The Records Division should forward this to the prosecuting attorney as part of the case file.

514.10 TRAINING

The Training Lieutenant should ensure that officers below the rank of Detective/Corporal receive regular training on DUI laws and administrative procedures. Training should include, at minimum, maintaining the tri-annual Draeger (BAC) certification through the Washington State Patrol Breath test section (90 day grace period), current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations and Standardized Field Sobriety Tests. The Training Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

The Training Lieutenant should ensure that all Patrol Sergeants and Corporals receive regular training on DUI laws and administrative procedures. The training should include, at a minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Lieutenant should confer with the prosecuting attorney's office and update training topics as needed. Patrol Sergeants and Corporals will maintain the tri-annual Draeger (BAC) certification through the Washington State Patrol Breath test section. In order to volunteer to work patrol overtime shifts, Corporals, Detectives and Sergeants must maintain current BAC certification.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic infractions and citations, the procedure for dismissal and voiding of traffic citations.

516.2 RESPONSIBILITIES

The administrative sergeant shall work with court personnel for the development and design of all department traffic citations in compliance with state law and administrative regulations.

The Front Desk officer shall be responsible for maintaining a supply of notice of infraction and citation books.

The Records Division shall be responsible for the accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the employees supervisor. If the employee's supervisor approves the request for the infraction to be dropped, the citation or request will be forwarded to the City Prosecutor's office with a request for dismissal along with the explanation.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete an incident report explaining the circumstances.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. "VOID" shall be written across the NOI / Citation and signed by the officer the citation was issued to. All copies of the citation shall be turned into the Records Division for accounting purposes.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a infraction/traffic citation is issued and in need of correction or amendment, the officer shall submit an informational police report outlining the circumstances of the enforcement action taken, the need for correction or amendment to the original enforcement action and the requested or recommend new charge. The report shall be submitted through the Police Records Division with a request to be forwarded to the City Prosecutor.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic infractions/citations issued by members of this department shall be filed with the Records Division.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused infractions/citations to the Records Division.

516.7 JUVENILE CITATIONS

Juveniles 16 years and older may be issued traffic infractions and citations in the normal manner. Juveniles under the age of 16 require a referral through the Juvenile Court system for traffic infractions or citations.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

If the motorist calls for assistance and the department is unable to dispatch an officer due to availability, the dispatcher should attempt to contact the motorist by phone. If they do not have a preference, the dispatcher can call a tow company off of the rotational list and advise the wrecker that it's by request, give the description of the vehicle, and advise that there is not an officer on scene.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. Officers changing a vehicle tire and the use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

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Unauthorized 12-Hour Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 12-hour time limitations.

524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a roadway after being left unattended for 12 hours shall be marked and noted in the incident report. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the roadside front and rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. A comment can be made in the incident history advising of any deviation.

If a marked vehicle has been moved or the markings have been removed during a 12-hour investigation period, the vehicle shall be re-marked for another 12-hour period.

524.2.1 MARKED VEHICLE FILE

If a marked vehicle has current license plates, the officer shall check the records to learn the identity of the last owner of record. The officer shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

524.2.2 VEHICLE STORAGE

An officer may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The officer authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Division immediately following the storage of the vehicle (RCW 46.55.075(2)).

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Vehicle Seizure and Forfeiture

526.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

526.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

526.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with this policy are handled by the Traffic Division.

526.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

(a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,

(b) The arrestee must be provided with 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).

526.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

(a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.

(b) Upon a court order.

(c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.

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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)).

526.4 VEHICLE FORFEITURE

It is the policy of the Spokane Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

526.4.1 FORFEITURE HEARING

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

(a) The following procedure shall apply in such cases:

1. Persons requesting a forfeiture hearing must complete and sign an Spokane 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 Spokane 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.

526.5 PROCEDURES FOLLOWING FORFEITURE

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Spokane 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 Spokane Police Department:

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(a) The Traffic Lieutenant or his/her designee shall determine the disposition of all vehicles legally forfeited to the Spokane 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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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Officers are authorized, within the scope of their employment, to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Attorney's Office only as authorized by a supervisor. This does not apply to the lead investigator of a case having conversations with a prosecutor to determine appropriate charges.

600.3 CONSTITUTIONAL MATTERS

All employees of the Spokane Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.5 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

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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.

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Unmanned Aerial System (UAS) Operations

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS / UAV) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

604.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property. Any use of a UAS will be in strict accordance with Constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

Spokane City Council resolution 2018-0084 shall be followed for deployment and use of SPD UAS.

604.3 PRIVACY

The use of the UAS involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, turning imaging devices away from such areas or persons during UAS operations.

604.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing SOP's for the protocols for deployment, mission documentation, safety, training, unit procedures, maintenance, and replacement program.

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604.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted. UAS operations will be conducted within FAA rules and regulations and appropriate COAs.

604.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

604.7 AUTHORIZED UAS USE

Use of a UAS will be at the direction of the Watch Commander of department member of the rank of Lieutenant or higher.

Crime Scene investigations:

- Allowed for the efficient investigation of crime scenes.

Missing People:

- Conduct aerial searches for missing people when beneficial.
- Taking into account, terrain, risk to searchers, cognitive level of missing, darkness, and other relevant factors.

Locating Reported Camping Sites:

- To reduce risk and time required in locating prohibited camping.

Officer Safety Tactical Operations:

- Deployment to protect officers from danger and minimize risk to public, officers, and suspects.
- Limited to incidents with suspects who are believed to be armed or,
    - Situations with a heightened possibility of violent resistance, or
    - Subjects who demonstrate emotional / mental state indicating threat to self / others.

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- ex: barricaded suspects, armed suicidal, high risk Search Warrants, violent offender apprehension, hostage situations, suspected explosives or improvised explosive devices.

604.8 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

- UAS video recording should fall within similar guidelines as the body worn cameras.
- Mission video recording will begin at Mission take-off and end at landing.

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.2 ASSET SEIZURE AUTHORITY

The Spokane Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Spokane Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure shall coordinate with CEU to 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. Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

B. Forward the original seizure forms and related reports to the CEU Lieutenant 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 as a separate item.

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 (another agency), the whereabouts of the property are unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the CEU Lieutenant.

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606.5 NET EQUITY THRESHOLDS

The Property and Evidence Office Supervisor is responsible for ensuring compliance with the following:

A. All property received at the Property and Evidence Facility or by Evidence Staff for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

B. All serialized 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.

Asset specific net equity thresholds are intended to decrease the number of SPD seizures thereby enhancing case quality and expediting processing of forfeiture cases. These guidelines set minimum net equity levels that generally must be followed:

Real property – minimum net equity must be at least 20 percent of the appraised value with a minimum net equity threshold of at least $20,000.

Conveyances – minimum net equity threshold must be at least $1,000.

Cash – minimum amount must be at least $100.

All other personal property - minimum amount must be at least $100 in the aggregate.

Marijuana grow equipment - may be used for a variety of legal purposes. Therefore SPD can seize and send to auction legally seized grow equipment as long as SPD does not have direct knowledge that such equipment will ultimately be used in connection with illegal drugs or other illicit activity.

In some circumstances the overriding law enforcement benefit will require the seizure of an asset that does not meet these criteria. In individual cases, these thresholds may be waived where forfeiture will serve a compelling law enforcement interest. Any seizure with a net equity threshold below these guidelines must be approved by a supervisory-level officer with an explanation of the compelling law enforcement interest.

606.6 SEIZED PROPERTY

See SPD Standard Operating Procedure – Asset Forfeiture.

The Civil Enforcement Attorney or Civil Enforcement commanding officer shall evaluate each seizure for probable cause to support a factual nexus that connects the property seized to the criminal activity alleged.

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606.7 FEDERAL ADOPTION

U.S. Department of Justice has prohibited federal agency adoptions of assets seized by state and local law enforcement agencies. There is a limited public safety exception for property that directly relates to public safety concerns, including firearms, ammunition, explosives, and property associated with child pornography. This prohibition of federal adoption on state seizures does not apply to seizures resulting from joint operations involving both federal and state authorities, or to seizures pursuant to warrants issued by federal courts. Under those limited circumstances, SPD then makes a request to share in the asset per the electronic system called eShare and the U.S. Government will then utilize eShare to determine, the amount, if any, shared with the SPD.

606.8 PROCEEDS AND REPORTING

No prosecutors' or sworn law enforcement officers' employment or salary shall be made to depend upon the level of seizures or forfeitures they achieve. SPD shall strive to ensure that seized property is protected and its value preserved. SPD shall avoid any appearance of impropriety in the sale or acquisition of forfeited property. Forfeited property retained for official law enforcement use shall be subject to the same internal controls applicable to property acquired through normal appropriations processes.

Forfeiture proceeds, and equitable shares received, shall be maintained by SPD Finance and subject to accounting controls and annual financial audits. Accordingly, all monies obtained through criminal forfeiture will be forwarded to the SPD finance department.

The Civil Enforcement Unit Commander will work with finance to ensure a state yearend report that documents the total asset seizures made for the year. This report will be submitted by January 31 of the following year. City Finance will ensure that all taxes are paid to the state regarding the seizure of property. The CEU commander will be responsible for quarterly reports to the state treasurer as required under 606.2 authority.

606.9 ASSET FORFEITURE LOG

A written or computerized inventory of all state asset forfeiture cases shall be kept by the CEU. The inventory record shall include the following: case number; seizure number; date of seizure; inventory of items seized; persons involved; and, status of property. A record of all forfeitures will be kept by the CEU in accordance with state public records retention laws. Copies of the seizure paperwork will be submitted to the Police Records.

606.10 ASSET FORFEITURE FUNDS USE

1. Placement of Funds – SPD finance will manage all seizure funds. They will use accounting codes that identify each of the below listed type of seizures. These codes will ensure that SPD can identify how much money was brought in by each listed type of seizure.

    A. Washington State Seizure: Drugs

    B. Washington State Seizure: Felony

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C. Federal Seizures

2. Utilization/Expenditure of Forfeited Funds – All proceeds not required to be paid to the State Treasurer shall be retained and used accordingly:

A. Washington State Seizure: Drugs

i. Per RCW 69.50.505

(a) (10) Forfeited property and proceeds shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

ii. AGO 1995 No.11- Aug 1995

(a) Section 69.50.505(10) allows the use of drug proceeds for activities that relate to controlled substances but incidentally further other law enforcement purposes.

iii. AGO 2010 No. 1 – Jan 2010

(a) 1.(a) …we conclude that the language now found in RCW 69.50.505 (10) authorizes use of drug forfeiture proceeds for law enforcement activities having a 'close connection' to enforcing controlled substances laws.

B. Washington State Seizure: Felony

i. Per RCW 10.105.010...Retained property and net proceeds, deducting the ten percent to be paid to the state treasurer, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity.

C. Federal Seizures

i. Expenditure of federally forfeited monies must be spent in accordance with the DOJ Guide to Equitable Sharing for State and Local Law Enforcement Agencies and their Interim policy change (Attachment 1).

3. Requesting the Expenditure of Forfeited Monies

A. Each person wishing to expend monies from any of the three funding sources mentioned above, must complete the SPD Forfeited Funds Request Form.

B. The requestor must provide a detailed description of their proposed expenditure so that Fiscal can utilize the proper fund in which to use, for example:

i. "To conduct Drug Awareness and/or Gang Prevention Education seminars at a local school."

ii. "To send four officers to undercover narcotics training."

iii. "To purchase software that will be utilize the tracking of crime data."

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C. The requestor will indicate if they feel that the utilization is closely related to Controlled Substance enforcement or another type of criminal activity.

D. Form must be completed by the requestor and sent through their Chain of Command.

E. Once the form is approved by the Chief, or designee, the form will be sent to Fiscal whom will work with the requestor to expend the funds.

4. Forfeited Funds Records

A. The DOJ has transitioned to eSHARE (Equitable Sharing) software that is accessed via a secure web portal. All federal forfeiture fund management will be done through this program. All persons who have access to eShare will advise the Captain of Investigations when they have submitted a DAG (Sharing Request Form) to the applicable federal agency.

i. The Captain of Investigations must coordinate when the DAG-71 has been paid out or when the SPD has received an Electronic Funds Transfer from the US Marshal Service regarding each DAG-71 request.

B. CEU will maintain a tracking log for all Washington State Seizures (Drug and Felony), the log will track the assets from start to finish once the money is placed into its respective bank accounts.

C. SPD finance will maintain all records pertaining to each incoming FEDERAL sharing Electronic Funds Transfer.

D. SPD finance will maintain separately for each bank account, the ‘authorized’ SPD Forfeiture Funds Request forms and the purchasing document of the expenditures.

E. SPD Forfeiture Fund request forms will be attached to monthly bank account statements along with the purchasing documents of the expenditure.

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Investigative Funds Handling

607.1 PURPOSE AND SCOPE

Having access to cash for expenditures is crucial to enforcement operations, however the accounting of public funds cannot be overstated as critical to efficacy. Hence, clearly established procedures on how to handle and account for funds have been instituted. The roles and responsibilities of each employee in the chain of events in controlling, requesting and spending of City of Spokane funds is outlined in the SOP.

The use of City of Spokane Confidential Funds will be conducted in accordance with existing Spokane Police Department Policy 608 Cooperating Individuals and Sources of Information, as well as the City of Spokane Cash Handler Policy and Procedures Manual with regard to Balancing Cash Drawers, Locating Cash Differences, Cash Over & Short Policies, Petty Cash Funds, and Reporting of Losses.

607.1.1 DEFINITIONS

Confidential Funds: those funds allocated to law enforcement undercover operations for the purchase of evidence would include the purchase of evidence and/or contraband such as illegal drugs, firearms, stolen property, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime, and for the purchase of specific information from cooperating individuals. Purchases of any other services must be approved through the chain of command.

Imprest Cashiers: City of Spokane employees who have appropriated monies assigned to them for the issuance to Police personnel as needed for enforcement operations.

Reimbursement Cashiers: City of Spokane employees who have access to cash through approved bank accounts and replenish Imprest Cashiers upon receipt of a reimbursement package.

Voucher for Payment for Information and Purchase of Evidence: a Spokane Police form used to withdraw monies from an Imprest Cashier and to make an authorized payment to a CI or for the purchase of evidence.

607.2 SUPERVISORS AND EMPLOYEES

City of Spokane policy reads, “The supervisor of the unit to which the imprest fund is assigned must authorize all advances of monies to agents or officers for the purchase of information.”

All supervisors of employees who are requesting to spend imprest funds, must authorize the withdrawal ‘in advance’ of the expenditure. A voucher form must be prepared and signed by the supervisor, which will be shown to the Imprest Cashier prior to issuance of any monies. As the form is a dual form, the supervisor will be signing this form twice (authorizing both the withdrawal of funds and the expenditure of funds).

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607.3 IMPREST CASHIERS

As of 2015, the Spokane Police Department has several approved Imprest Cashiers. Each of these employees has a set amount of authorized funds available to be used for approved enforcement activities.

Imprest Cashiers will maintain bound ledgers tracking the amount of money that they are authorized to hold. Reimbursement will be requested from the Reimbursement Cashier to return their fund to the total amount they are authorized to hold by completing a reimbursement packet.

At no time, shall an Imprest Cashier request or sign out monies with another Imprest Cashier. If an Imprest Cashier is short of funds needed for an operation, that Cashier shall direct the employee requesting monies to a different Imprest Cashier.

607.4 REIMBURSEMENT CASHIER

Reimbursement Cashiers will maintain a bound ledger tracking the amount of money that they are authorized to hold. This will document funds debited from the account after a reimbursement to an Imprest Cashier, as well as credits to the account after cashing an authorized check, thus replenishing the reimbursement account.

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Cooperating Individuals and Sources of Information

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of cooperating individuals or sources. To protect the integrity of the Spokane Police Department and the officers utilizing cooperating individuals, it shall be the policy of this department to take appropriate precautions by developing sound cooperating individual/source policies.

608.1.1 DEFINITIONS

Cooperating Individual(s) (CI): A person with criminal association(s) who provides information regarding criminal activity and/or assists law enforcement with undercover operations **under the direction** of law enforcement. A CI may be assisting law enforcement for a multitude of reasons, including but not limited to consideration for pending criminal charges or monetary compensation.

Defendant CI: A person will be considered a “Defendant CI” if there are pending charges or the possibility of charges being filed on this person.

Juvenile CI: A juvenile (16+) cooperating individual is a person with criminal association(s) who provides information regarding criminal activity and/or assists law enforcement with undercover operations **under the direction** of law enforcement. A CI may be assisting law enforcement for a multitude of reasons, including but not limited to consideration for pending criminal charges or monetary compensation. Department members are generally prohibited from utilizing juvenile CIs except as outlined in section 608.3.1.

Source of Information (SOI): An adult (18+) who provides information regarding criminal activity to assist law enforcement and may wish to remain anonymous. This person may have a criminal history. This person provides information only and will not assist law enforcement in undercover operations, or have their information used in legal documents to establish probable cause. If the SOI’s information must be used in a legal document for probable cause, the SOI will either be named in the legal document or transitioned to the status of CI and signed up as such. This person will then be referred to as CI-??? (after being given a sequential number) in any official documents. A SOI is **NOT** under the direction of law enforcement at **any time** and will not be given direction from an SPD employee on how to obtain additional information. If this person needs direction from department personnel, then the SOI’s category will be converted into a CI and a complete CI registration package must be completed.

Concerned Citizen: A person that provides information to assist law enforcement and may wish to remain anonymous. A person may wish to remain anonymous for various reasons to include but not limited to; fear of retaliation related to their assistance with law enforcement. This person is generally not associated with criminal behavior or activity. An example of a Concerned Citizen would be the concerned neighbor to a neighborhood drug house, or the utility company employee that informs law enforcement of unusual power consumption consistent with illegal activity. A

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Concerned Citizen is **NOT** under the direction of law enforcement at **any time** and will not be given direction from an SPD employee on how to obtain additional information. If this person needs direction from department personnel, then the Concerned Citizen's category will be converted into a CI and a complete CI registration package must be completed.

Control Officer: The officer/detective responsible for the development and use of a Cooperating Individual.

608.2 COOPERATING INDIVIDUAL (CI) FILE SYSTEM

All Spokane Police Department CI/SOI will be registered through the Special Investigative Unit (SIU) prior to utilization. In those cases where a CI/SOI must be utilized prior to their registration with SIU, i.e. after hours, a first line supervisor may authorize the utilization of the CI/SOI, but the registration procedures must be completed the next business day.

All CI files will be maintained in a locked cabinet by the SIU Sgt. Only those authorized persons (SIU, CIU, Targeted Crimes and/or PACT supervisors) will have direct access to this file cabinet, and will limit their access to CI/SOI files that are necessary in order to conduct their immediate business. Each CI/SOI file will contain the applicable information needed to establish a CI/SOI and corresponding payment record(s).

All CI's will be given a sequential number which will be used to reference the CI in all documentation of the CI's participation in criminal investigations. The CI number will be assigned by SIU upon request of an employee who has first line supervisor authorization. The CI number will be issued from a bound journal that will be separated by calendar year and handwritten in ink. Numbering will start at 001 for each year and run sequentially for that year i.e. CI #15-001. Journal entries will consist of name, date of birth, CI number, Control Officer and date activated/ deactivated. A CI's number may be changed periodically in an effort to maintain their anonymity and safety. Journal entries will cross-reference these numbers to the CI's original number.

Note: Those SPD employees currently part of a taskforce (DEA, FBI, WSP) will adhere to the taskforce CI policy and maintain those CI files in their respected taskforce per the lead Task Force agency policy.

608.2.1 FILE SYSTEM PROCEDURE

All CIs will have a complete CI File established prior to the issuance of a CI number. Each File shall be coded with an assigned CI control number. A CI File folder shall be prepared and tabbed accordingly as stated below to include the following information:

(a) Name, date of birth, and aliases.

(b) Home address and phone numbers.

(c) Employer information, position(s) and phone numbers.

(d) Criminal History record and local RMS arrest record, to include Wants/Warrants check - Note: all warrants will be resolved **before** CI registration/utilization. (SPD will **not** register or utilize any person who has an active warrant for their arrest).

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(e) Recent photo of CI.

(f) Signed Cooperating Individual Agreement (Attachment A).

(g) CI Payment Log (for tracking payments to CI).

(h) Name of control officer.

(i) Termination information (if the CI is no longer considered credible/reliable and detail why).

(j) Record of all law enforcement agencies that the CI currently assists or works with OR has worked with in the past.

(k) WSIN check.

(l) Identify/list what motivates this person to cooperate with SPD.

(m) Whether the CI has a previous history of alcohol/drug substance abuse.

(n) Whether he or she is related to anyone in law enforcement.

(o) Written agreement from legal authority to utilize a Defendant CI. (Prosecutor)

(p) Certification of Consent to Record.

(q) Ascertain if pregnant. (SPD will **not** register a person who is currently pregnant).

**SPD will not sign up/register a person to be a CI who admits by their own volition to being an Undocumented Immigrant currently residing illegally in the U.S.

The CI files shall be maintained in a secure area by the SIU Sgt. These files shall be used to provide background information about the cooperating individual, enable review and evaluation of information given by the cooperating individual, minimize incidents that could be used to question the integrity of detectives or the reliability of the cooperating individual, and track payments records. These files are the property of SPD and will be maintained according to file destruction protocols. **No CI file shall leave the custody of the SIU Sgt.** unless signed out. No file shall leave the SIU area unless under a Court Order or the Direction of the Chief's Office. If any information in the CI file needs to be used for court, or any other legal purposes, copies only will be made and redacted in an effort to protect the CI's identity unless ordered otherwise. Original documents will not be removed. Notations will be made in the file detailing who removed the information, what information was removed, how it was redacted, when it was taken out, when it was returned, where the information went, and what it was used for. The redactions shall be approved by the unit's supervisor before being used.

A copy of all supplemental report(s) where the CI's participation and/or information is noted in that report will be cross filed in the CI file.

608.3 USE OF COOPERATING INDIVIDUALS AND SOURCES

Before utilizing an individual as a Cooperating Individual, the Control Officer must receive

Supervisor approval. The Control Officer shall compile the necessary information for the

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CI file. The Control Officer is responsible for having the CI sign the CI Agreement form and for checking the CI through the Western States Intelligence Network (1-800-952-5258) to ensure that the CI has not previously been found unreliable by law enforcement.

If/when a person is arrested and the person wishes to cooperate with SPD, the criminal history of the person will be reviewed. If the person has a significant criminal history (crimes of violence and/ or dishonesty) OR active pending charges, the circumstances regarding this person's cooperation will be discussed with the assigned or Narcotics Section Supervising Spokane County Prosecutor, Assistant U.S. Attorney (Federal Charges), Washington Attorney General's Office or whichever legal authority who has jurisdiction over charging this person prior to any cooperation arrangement and/or SPD directed undercover activity. The legal authority must agree to the cooperation agreement and its conditions. The legal authority will be kept apprised of all positive and negative dealings, outcomes, and/or circumstances of the Defendant CI throughout the period of the agreement so that charging decisions can be made appropriately.

Control Officer's Sergeant (Sgt.): The Controlling Officer's Sergeant will maintain an active role in the management and handling of all CI's under their command. They will be part of the establishment process, i.e. the approval and continued inclusion in debriefings and participation in active investigations.

Source of Information (SOI)

Persons who wish to remain anonymous and who are **not** taking direction from the department and provide information in conjunction with an investigation are called a Source of Information (SOI). A file will be maintained on a (SOI) that outlines their identity, as well as a log sheet that lists the cases they have worked on and if their information was reliable. This log sheet must reference the Incident Number of each case in which the information from the SOI was utilized as a cross-reference. This log sheet will be kept in the SOI file for future referral and/or discovery purposes. These files will be maintained by name and in alphabetical order. The files shall be secured in the SIU Sergeant's office in the same manner and have the same protections as CI files.

A complete CI package does not have to be completed at this time as long as the SOI is **not** directed to conduct information gathering activities and/or operate at the direction of the Department.

608.3.1 JUVENILE COOPERATING INDIVIDUALS

Use of juvenile cooperating individuals is an "exceptional" investigative technique, and requires both the approval of the Chief of Police and the appropriate Prosecutor. The consent of the juvenile's parent or guardian must also be obtained and witnessed by another Officer.

In all cases, approval of the County Prosecutor, the Assistant U.S. Attorney (Federal Charges), the Washington Attorney General's Office, or whichever legal authority who has jurisdiction over laws of the criminal statutes that are being enforced with this juvenile's cooperation, must agree to this cooperation agreement and the overall aspects of the investigative goals. The legal authority

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will be kept apprised of all positive and negative dealings, outcomes, and/or circumstances of the Juvenile CI's participation throughout the period of the investigation.

The use of juvenile cooperating individuals under the age of 16 is prohibited.

608.3.2 SPECIAL HANDLING COOPERATING INDIVIDUALS
The Office of the Spokane County Prosecutor and the Chief of Police shall be consulted and approved before any Officers use such individuals listed below as CIs:

Individuals Obligated by Legal Privilege of Confidentiality: This class of individuals include, but may not be limited to, attorneys, physicians, and members of the media.

Governmental Officials: This includes persons in high-level and highly sensitive local, state, or federal governmental positions.

When in doubt on the level of confidentiality that a person may or may not have depending on their position or employment within the community, the Officer/Detective must consult with City legal and get a determination regarding the need for further approval.

608.4 GUIDELINES FOR HANDLING COOPERATING INDIVIDUALS

All Cooperating Individuals are required to sign and abide by the provisions of the Cooperating Individual Agreement (Reference Attachment A). The Control Officer shall discuss the provisions of the agreement with the CI and explain SPD's operating procedures for CIs. Any deviation from the Cooperating Individual Agreement or operating policy must be approved by a supervisor.

CIs will be advised that they shall not gather information on individuals who are not otherwise under investigation and/or under suspicion of criminal conduct. Additionally, CIs will be advised that they shall not gather information of a political nature or for other information-gathering efforts that are not connected with a specific criminal investigation.

608.4.1 RELATIONSHIPS WITH COOPERATING INDIVIDUALS AND SOURCES OF INFORMATION
No member of the Spokane Police Department shall knowingly maintain a social relationship with a CI/SOI while on or off duty, or otherwise become intimately involved with a cooperating individual or SOI. Members of the Spokane Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction(s) with a cooperating individual or SOI.

To maintain Officer/CI or SOI integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of a CI/SOI from their superiors.

(b) Identities of CI/SOI's shall otherwise be kept confidential.

(c) No promise of anonymity will be made to the CI/SOI.

(d) Criminal activity by CI/SOI's shall not be condoned and shall be reported to superiors immediately when known to the officer.

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(e) A CI working under the direction of a member of the SPD shall be told they are not acting as police officers, employees, or agents of the Spokane Police Department, and that they shall not represent themselves as such.

(f) The relationship between Officers and CI/SOI's shall always be ethical and professional.

(g) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of a supervisor.

(h) Officers shall not meet with CI/SOI alone. CI/SOI will always be met by no less than two commissioned police personnel. Officers acting in an undercover capacity may be alone with a CI during an operation, but only as part of a supervisor approved operation.

(i) When providing payment to CI/SOI, two Officers shall be present and witness the payment of funds. A voucher shall be completed to include itemizing all expenses.

(j) Employees leaving employment with the department have a continuing obligation to maintain as confidential the identity of any CI/SOI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

A report or other form of documentation will be written for every “relevant, substantive and/or case related” contact made between the CI/SOI and Control Officer, which may include face to face meetings, telephone calls, text messages and/or other electronic communication(s). This documentation will be maintained in the applicable investigative file. This documentation will be provided to a prosecuting authority upon request for discovery and/or other judicial proceedings.

CI/SOI’s will be continuously advised by the Control Officer as to their obligation to not participate in any crimes outside of those authorized by the Control Officer. CIs should be encouraged to gather valuable information/intelligence on criminal elements while outside the presence of the Control Officer, but must not participate in any criminal activities unless authorized by the Control Officer.

CIs will be searched prior to and immediately after participating in any authorized criminal activity; to include their person, immediate possession(s) such as a purse, wallet, telephone or other hand carried items, and the vehicle which will be used and was used during their participation with SPD. The search will be consistent with the amount and size of the item(s) that the CI potentially could be buying and/or be present with. It may be necessary to conduct a strip search depending on the circumstances of the case. The search will be conducted by an officer of the same sex as the CI who is being searched. This search will be documented in a Supplemental Report. This documentation will include who conducted the search, where it was conducted, the privacy of the search, and who witnessed the search. The CI must consent to the search.

608.5 PAYMENT CONSIDERATIONS

The payment of money to any cooperating individual must be reasonable, ethical, and should not shock the conscience of the Court. Additionally, a strict procedure for payments to CI/SOI must be adhered to in order to maintain a good accounting of such funds.

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608.5.1 PAYMENT PROCEDURE
The amount of funds to be paid to any CI/SOI will be evaluated against, but not limited to, the following criteria:

- The quality of the information provided by the CI/SOI.
- The extent of the CI/SOI involvement.
- The level of Risk.

If circumstances arise that justify an exceptional payment, (up to $500.00 the SPD Sergeant will discuss the above factors with the Unit Commander (typically a Lt) or in his/her absence, the unit Captain to arrive at an approved level of payment. Any payments over $500.00 will be approved by the unit Captain.

608.5.2 PAYMENT PROCESS
A SOI will be paid under the same guidelines as a CI. Payment must be approved in the same manner as a CI. Officers are not to direct a SOI to gather further information for SPD. However, a SOI can routinely provide information to an officer reference criminal activity without being directed. If direction of the SOI is needed for an investigation, then the SOI must be registered as a CI per this policy. Documentation of the payment and of the information/assistance received must be made per policy.

All payments to CI/SOI's shall be made in the presence of two Officers. A payment voucher shall be completed containing all applicable information required for the completion of the voucher. Payments will be in cash and the CI/SOI is required to sign the yellow copy of the voucher certifying receipt of the payment.

The Control Officer shall record the amount of payment on the CI and SOI Payment Log maintained inside the CI and SOI files. This record shall include the date of payment, incident number, voucher number, nature of the investigation, if any arrest was made as a result of the CI's assistance, and the amount paid to the CI.

The Unit Captain must approve payments above $500.00.

608.5.3 REPORTING OF PAYMENTS TO IRS
Each CI/SOI receiving a cash payment shall be informed of his/her responsibility to report the payment to the IRS.

608.6 CI/SOI DEACTIVATION
A CI/SOI will be considered deactivated once the Control Officer decides that the CI/SOI can no longer provide assistance to SPD or other circumstances where SPD management chooses to no longer use them. A deactivation notice will be added to the CI/SOI file indicating that the CI/SOI is no longer active with SPD. The notation will advise if the CI/SOI can be used again in the future. If the CI/SOI should never be used as a CI/SOI in the future, then a notation as to 'why' they should no longer be used will be made. Examples would be, but not limited to: stole money, stole

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evidence, untrustworthy, failed to meet agreed obligations, or arrested on other charges during the course of the agreement.

The CI/SOI must be told that they are no longer working with SPD.

If at any time a CI/SOI is found to be unreliable/not credible, with first line supervisor approval, the control officer shall notify Western States Intelligence Network as to the CI's credibility/reliability.

608.6.1 THREAT OF HARM OR INTIMIDATION TO A CI OR SOI

If it comes to the attention of a SPD Employee that an active or former CI/SOI for the Spokane Police Department has received or is being threatened with violence or some form of intimidation, the Control Officer or SIU Sgt. must immediately be advised. The Control Officer will notify their first-line supervisor. The Control Officer will make attempts to contact and/or locate the CI/SOI. The CI/SOI will be advised of the threat and/or intimidation. Arrangements will be made by the Control Officer and the supervisor to move the CI/SOI to a safe location if needed. Paying the CI/SOI may be needed to accommodate a safe location for the CI/SOI. If there is a pending trial or litigation involving the CI/SOI's testimony or cooperation, the Prosecuting Attorney will be immediately notified of the circumstances.

The Control Officer will work with the applicable Victim/Witness Coordinator to ensure the safety of the CI/SOI. Proper Documentation will be completed in order to capture the events and/or circumstances regarding the threat and/or intimidation. The Control Officer will document the efforts and/or the efforts offered to help protect the CI/SOI. The Control Officer will maintain contact with all parties until the threat and/or intimidation is handled.

608.7 SIU FILE MANAGEMENT

Active CI/SOI Files will be maintained in the SIU sergeant's office. Deactivated files will be destroyed following proper document destruction protocols. Those CI/SOI Files involving pending litigation or appeals where CI/SOI participation is needed will be kept through the court process. Once the court process is complete, the files will be destroyed according to protocols.

608.8 CI FILE REVIEW

Control Officer: Control Officers will conduct a criminal history and wants/warrants search every six months, and periodically as needed on all active CIs under their control. A copy of the Wants/ Warrants 'negative' printout will be filed in the CI file.

For those CI/SOI's who have been arrested after being first registered, an evaluation by the Control Officer and the first line supervisor will be conducted regarding their cooperation with SPD. The consideration of further active cooperation by this CI/SOI will be determined in part by the type and/or severity of the new arrest incident. Consultation with the applicable prosecuting authority over the new arrest incident will be included in this decision. The CI must be converted to a Defendant CI and those guidelines will then be followed.

For those CI/SOI's with a new active arrest warrant, the Control Officer will promptly contact the initiating agency to address the new charge. The CI's participation on a SPD investigation will be

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reevaluated to determine if they can be further used. Consultation with the prosecuting authority on the SPD investigation must be sought prior to reestablishment of the CI into an active role again. The CI must be converted to a Defendant CI and those guidelines will now be followed.

Supervising Sgt.: A 6-month review of all active CI/SOI files will be conducted to determine if in the last six (6) months there has been active participation by the CI/SOI. These reviews will be performed by the immediate supervisors of the Control Officers utilizing those CI/SIOs. In the case where there has been no active participation by the CI in the last six months, the Control Officer in conjunction with their first line supervisor will determine if the CI/SOI will remain in an active status. If the decision is made to keep the CI/SOI in an active status then the Control Officer or first line supervisor will indicate in the file the reasons for maintaining that status. If the decision is made to deactivate the CI/SOI, then the Control Officer will deactivate the CI/SIO and a notation of the review and deactivation will be noted on the CI/SOI file jacket.

Tactical Operations Lieutenant: Once a year in December, the Tac-Ops Lieutenant will ensure the accuracy of the active CI/SOI log compared to all the active CI/SOI files. Each file will be reviewed for completeness of the registration documentation, payment records, and ensure that 6 month reviews are being conducted by the Control Officer and the SIU Sgt. A notation of this review will be noted on the CI/SOI File jacket.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process -Any field identification, live lineup or photographic identification.

Field identification (also known as Field Elimination Show-Ups or One-On-One Identifications) -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.

D ouble Blind - A sequential photo lineup where both the administrator and witness are unaware of the suspect(s) identity, thereby reducing the risk of unintentionally influencing the witness.

610.2 POLICY

The Spokane Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(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 admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

610.5 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.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

The member presenting the lineup shall take the utmost care not to communicate the identity of the suspect in any way.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her 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 employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

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A minimum of 6 photos shown sequentially shall be utilized with best practice stating 7 - 10 is ideal.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

When administering the sequential photos, the investigator when feasible should utilize a “double blind” method. The administrator would be unfamiliar with the identity of the suspect(s), thereby reducing the risk of unintentionally influencing the witness and negating the defense of being suggestive.

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.

610.5.2 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 or show-up identification could still be uitilized when independent probable cause exists to arrest a suspect.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness prior to a show-up.

(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) An admonishment to the witness should state that the suspect may or may not be among those presented and that the witness is not obligated to make an identification. Do not inform the witness how or why police detained the suspect. Advise the witness that the suspect's appearance may have changed, and assure them that the investigation will continue regardless of the outcome of the show-up.

(d) 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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(e) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(f) A person should not be shown to the same witness more than once.

(g) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(h) A person in a field identification 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.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

Documentation should specifically include the following (U.S. v. Traeger, 289 F.3d 461 (7th Cir. 2002), cert. denied, 123 S. Ct. 550 (U.S. 2002); 35 Am. Jur. Proof of Facts 3d 1 (Originally published in 1996):

(a) the witness' opportunity to view the criminal at the time of the crime

(b) the witness' degree of attention

(c) the accuracy of the witness' prior description of the criminal

(d) the level of certainty that the witness demonstrated at the time of the confrontation

(e) the time elapsed between the crime and the confrontation

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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Brady Material Disclosure (Exculpatory and Impeachment Disclosure)

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information**

- Information known or possessed by the Spokane Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.
- Any information known or possessed by the Spokane Police Department that may impact the creditability of any government witness or evidence

612.2 POLICY

The Spokane Police Department employees 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 Spokane Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor/prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor/prosecutor.

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612.4 INVESTIGATING BRADY ISSUES

The Spokane Police Department's Office of Professional Standards will notify the designated Potential Impeachment Disclosure (PID) prosecutor when the agency has learned of a potential impeachment disclosure matter regarding an officer or department employee affecting the truthfulness, bias, criminal conviction (history) or recurring performance deficiencies.

The Office of Professional Standards will coordinate with the appropriate prosecutors' office and (PID) prosecutor.

The Office of Professional Standards will respond to inquiries of potential impeachment issues by any (PID) prosecutor.

612.5 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Sexual Assault Investigations

613.1 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.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

613.2 POLICY

It is the policy of the Spokane Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

613.3 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 SART or other multidisciplinary investigative teams as applicable.

613.4 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, reports will be reviewed and considered for follow-up.

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613.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Combined Communications Center, 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 SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

613.4.2 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; 42 USC § 3796gg-8).

613.4.3 VICTIM CONFIDENTIALITY

A victim who seeks to have his/her address remain confidential should be referred to the Office of the Secretary of State to submit an application to participate in the address confidentiality program (RCW 40.24.030).

Information identifying a child victim under the age of 18 is confidential and not subject to release to the press or public without the permission of the child or the child’s legal guardian unless allowed by law and as provided in RCW 10.97.130. Identifying information includes the child’s name, address, location, photographs and the relationship of the child victim in cases where the alleged perpetrator is a relative or stepparent (RCW 10.97.130).

613.4.4 VICTIM RIGHTS

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim Witness Assistance Policy.

Victims have the right to immediate medical assistance and not to 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 sexual assault if the questioning does

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not hinder the administration of medical assistance (RCW 7.69.030(9)). 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 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).

613.4.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a Sexual Assault Nurse Examiner (SANE) 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, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

If resources allow, kits or biological evidence from all rape cases, including cases where the suspect is known by the victim, should be submitted for biological testing. The result and the case information should be entered into state and national registries in a timely manner.

All evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence.

613.4.6 SUBMISSION OF SEXUAL ASSAULT EXAMINATION KITS

Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

613.4.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Bureau Captain.

Classification of a rape case as unfounded requires the Investigation Bureau Captain to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported.

613.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

613.6 TRAINING

Subject to available resources, periodic training will be provided to:

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(a) Members who are first responders. This includes, but is not limited to:

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. This includes, but is not limited to:

(a) Interviewing sexual assault victims.

(b) SART.

(c) Medical and legal aspects of sexual assault investigations.

(d) Serial crimes investigations.

(e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use. If the property was originally purchased with grant funds, the SPD grant coordinator shall also be notified.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor.

A claim for any loss may be submitted following the completion of a property damage report or miscellaneous report. The claim form and incident report are to be submitted to the immediate supervisor within five working days. (Exceptions may be made in the case of an emergency.) The claim form will include the following:

- Incident number

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- Date, time and place of the loss
- Nature of the loss
  - Item
  - Age of item
  - Original value of item
  - Estimated value of loss
- Activity engaged in at time of loss

The supervisor shall direct the report to the appropriate Captain, which shall include a memo with the results of his/her investigation and whether the employee followed proper procedures. The supervisor's memo shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.3.2 GUIDELINES AND REGULATIONS GOVERNING CLAIMS

Generally, only losses incurred during the performance of police activity/duty shall be eligible for payment.

(a) Physical evidence of loss must be presented when possible.

(b) Money, billfolds and contents will not generally be considered for reimbursement.

(c) Remaining useful life of apparel, other than issued uniforms, will be based upon a 12-month total useful life (includes gloves).

(d) The following personal property will be eligible for replacement or repair as determined by the member's bargaining unit president or designee and the office of the Chief:

1. Prescription eye-wear up to two hundred dollars ($200).
2. Non-prescription sunglasses up to fifty dollars ($50).
3. Watches up to fifty dollars ($50).

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4. Cell phones up to fifty dollars ($50) based on a five-year life. Cell phones will be replaced on a case-by-case basis.
5. Jewelry will not be replaced.
6. Approved back-up firearms that are carried on duty will be replaced after the value has been determined and the member's bargaining unit president or designee and the office of the Chief review circumstances of the claim.
7. Knives/multi-tool implements up to fifty dollars ($50).
8. Equipment bag/briefcase up to fifty dollars ($50).

(e) The member's bargaining unit president or designee and the office of the Chief will decide any other claims on a case-by-case basis.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the city, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Captain.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Spokane Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

A. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

B. The Department accepts no responsibility for loss of or damage to a personally owned PCD.

C. The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

D. The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). 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.

   1. Membersmay use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

E. The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

F. Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

G. All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Spokane Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate

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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.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

A. A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

B. All PCDs in the workplace shall be set to silent or vibrate mode.

C. A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

D. Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

E. Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

F. Members will not access social networking sites for any purpose that is not official department business.

G. Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

A. Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

B. Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

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702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Employees 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, employees 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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Body Cameras

703.1 PURPOSE AND SCOPE

Body cameras are a valuable tool for promoting transparency in law enforcement by recording citizen contacts with police officers. The Spokane Police Department (SPD) uses body cameras to contemporaneously and objectively document citizen contacts. Video footage produced by body cameras may be used as evidence in civil or criminal investigations, reviewed administratively for officer compliance with department policies (as set forth below), used as a tool in law enforcement training, and utilized as a reference in incident documentation.

703.2 POLICY

It is the policy of the Spokane Police Department that commissioned personnel working in a patrol function shall wear body cameras to record their encounters on duty.

703.3 DEFINITIONS

A. **Advisement** – Statement made by an officer that a communication, conversation or interaction with a citizen is being recorded.

B. **Activation** – The process that turns on the body camera and causes it to record or to store audio and video data.

C. **Body Camera** – Camera system that captures audio and video signals, capable of being worn on an officer's person that includes at minimum a camera, microphone, and recorder.

D. **Body Camera Videos** - Recorded media consisting of audio-video signals, recorded and digitally stored on a storage device or portable media.

E. **Labeling of Video** – Marking a video with the incident (ID) number and category.

F. **Evidence.com** – A cloud based data warehouse where body camera video footage is stored and retained.

G. **Involved Officer** – Any officer who employed, or attempted to employ, force contemporaneous to the use of deadly force.

H. **Retention of Video** – Retention of video refers to how long a video captured on body camera is kept or retained by the Spokane Police Department. A video is retained according to its category.

I. **Surreptitious Recording** – A surreptitious recording is a recording made without the knowledge of one or more of the parties to a conversation or communication and is a violation of the Washington Privacy Act, Chapter 9.73 RCW

J. **TARU** – Technical Assistance Response Unit (TARU), a unit within the Spokane Police Department with commissioned officers trained in the operations, use and maintenance of body cameras. TARU personnel have a working knowledge of the methods and procedures related to the duplication, storage and retrieval of body camera videos as well as video forensics and evidentiary procedures.

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703.4 OFFICER RESPONSIBILITIES

A. **Training** – Prior to wearing and operating a body camera, officers are required to successfully complete department authorized body camera training.

B. **Requirement to Wear the Body Camera –** All officers assigned a body camera are required to wear the camera while on duty. Officers shall affix their camera to the chest area of their uniforms where it is unobstructed by the uniform itself or equipment. This does not include circumstances in which the camera becomes unintentionally obstructed during police activity. Privately owned body cameras are not permitted.

C. **Requirement to Use the Body Camera** – Officers are required to use their body cameras to record their law enforcement activity, to do so consistently and in accordance with department policy.

D. **Procedures on Use of Body Camera**

1. **ACTIVATION OF THE BODY CAMERA**

(a) **Starting and Ending the Recording**

1. Officers shall activate the body camera prior to exiting the vehicle to any dispatched law enforcement activity. Nothing in this policy prohibits the officers from activating the camera earlier.

2. Officers shall activate the body camera when involved in any manner in a police pursuit, vehicle follow, fail to yield and active police perimeter.

3. Officers shall activate the camera as soon as practical upon making the decision to engage in any self-initiated law enforcement activity.

4. Once the camera is activated, the officer shall leave it on until the incident has concluded. Officers who walk away from a citizen during the law enforcement activity shall leave the cameras on even while not actively engaged with the citizen.

5. In an officer involved shooting, officers shall turn their cameras off prior to giving their public safety statements.

6. Officers should record on the body camera reasons for turning off the body camera if the recording is stopped by the officer prior to the conclusion of the law enforcement activity.

(b) **Decision to Not Record**

1. Officers are required to record as much of the law enforcement activity as possible, but the sensitivity or exigency of a situation may warrant turning off, or not activating, the body camera. The decision to not record law enforcement activity shall be made by the officer wearing the camera and shall be determined by facts and circumstances which must be justified. Facts supporting such a decision may include the following:

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(a) **When unsafe or impractical** – Law enforcement activity requiring a response that physically prevents an officer from activating the camera. Officers are advised to put safety ahead of the requirement to record the encounter. The amount of time driving to the call shall be a factor considered in determining if this section applies.

(b) **Sensitive communications** – Law enforcement activity involving sensitive communications, matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation.

(c) **When a Citizen Objects to Being Recorded –** If a citizen objects to being recorded, the officer may elect to record despite the objection. Since conversations with police officers are not considered private under Washington law, there is no requirement that an officer turn off the camera for a citizen who objects to having the interaction recorded.

2. Officers shall document by written report or CAD any decision to not activate the camera or to turn off the body camera prior to the conclusion of the law enforcement activity, and their reasons for doing so.

2. **ADVISEMENT – WHEN REQUIRED**

(a) Conversations between uniformed police officers and citizens that occur during the performance of official police duties are not recognized as private conversations under Washington law and therefore generally do not require an advisement that the interaction is being recorded. The exceptions are traffic stops and custodial interrogations.

1. Officers conducting traffic stops while equipped with a body camera shall notify the occupants that there is an audio and video recording occurring. This warning should be given at the beginning of the contact, absent an emergent situation, and captured on the recording. The advisement should also be noted in the officer's report if enforcement action is taken.

2. Prior to a custodial interrogation, officers shall inform arrested persons that they are being audio and video recorded with a body camera. This statement, along with the Miranda advisement, shall be included in the recording.

E. **End of Shift Responsibilities** - Prior to the end of their shifts or as soon as practical, officers will follow the protocol to label, categorize, and upload videos to Evidence.com.

1. Officers unable to categorize body camera video prior to the end of their shift shall notify a supervisor prior to securing and complete categorization at the beginning of their next shift.

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2. Officers with take home vehicles who have to transfer videos with a connection to their laptop computers: At the end of shift, Officers will ensure that the upload process has begun on Evidence.com. Due to the length of time that it takes for videos to upload, it is not practical for Officers to monitor the upload process. If a use of force or other significant incident was recorded, Officers will contact a supervisor for direction. At the beginning of their next shift, Officers will check the upload process to ensure that it was completed. If the process did not complete, they will restart the upload process immediately at the beginning of their shift.

F. **Document Use of the Body Camera** - Officers shall document in their police reports that they operated a body camera. In instances where no police report is written, officers shall indicate through CAD that they operated a body camera.

G. **Video Not a Substitute for Report** – An incident captured on the body camera is not a substitute for a complete and thorough written police report. Officers must write a police report, if the situation requires, and may not use the body camera video as a substitute for, or basis to abbreviate, their documentation of the incident.

H. **Report Problems** - Officers shall promptly report to TARU any problems they may encounter with the body camera or its operation.

I. **Use of Spare Camera** – Officers using a spare camera will contact TARU for proper camera assignment.

703.5 UNAUTHORIZED USE OF BODY CAMERAS AND VIDEO

All employees of the Spokane Police Department, including commissioned officers and civilian personnel, shall abide by the policies and procedures related to body cameras and body camera videos as set forth in this policy.

Employees of the police department are prohibited from surreptitiously recording any other employee of the department or any other person.

A. Employees may not use body cameras for non-work related purposes or otherwise operate the body camera outside their legitimate law enforcement duties.

B. All body camera videos are the property of the Spokane Police Department. Dissemination outside of the agency is strictly prohibited, except as required by law and pursuant to the provisions of Spokane Police Department policy.

C. Employees are prohibited from accessing the cloud storage site Evidence.com except for legitimate law enforcement purposes, including authorized review as described in subsection 703.9 of this policy, or otherwise for work related to their job assignment.

703.6 DOWNLOADING OF VIDEOS

The only personnel allowed to download videos will be the TARU Body Camera Administrators, Major Crimes Unit, Special Victims Unit, selected Academy Staff, Internal Affairs, and specially trained employees of the Records Division. Video downloads will be done for law enforcement purposes and/or public records requests only.

If any downloads are needed from anyone not listed above, a request will be sent to TARU.

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703.7 OPERATION AND OVERSIGHT OF THE BODY CAMERA PROGRAM

Operation and oversight of the body camera program is the responsibility of the Technical Assistance Response Unit (TARU).

703.8 REVIEW OF THE BODY CAMERA PROGRAM

The body camera program shall be subject to ongoing review and evaluation by the Spokane Police Department. The Chief of Police shall designate a committee to serve on a Body Camera Review Board (BCRB), which shall convene annually, to review the body camera program and the body camera policy and to make recommendations for the Chief's consideration. The committee shall include representatives from TARU, Training, Investigations, Patrol, Professional Standards and the collective bargaining units.

703.9 REVIEW OF BODY CAMERA VIDEO

A. Officers may view their own body camera video at any time in accordance with this policy.

B. Recordings may be reviewed by individuals other than the recording officer in any of the following situations:

1. By officers prior to completing their police reports or providing a statement pursuant to an internal affairs or SIRR investigation, subject to the following:

   (a) All officers in an internal affairs investigation will be allowed to view all footage of the incident prior to any interview or answering questions related to an internal affairs investigation.

   (b) Involved officers in a SIRR investigation will be provided relevant body camera footage. The body camera footage viewed by the involved officer(s) should show actions, items or other relevant factors the officer could have seen from their vantage point and that could have been used in making a determination to use deadly force against an individual or individuals.

   (c) In the event there is a dispute over which body camera footage should be viewed by the involved officer(s), the legal representative of the officer, the lead SIRR team investigator, and the prosecutor or their designee can consult prior to the officer making a determination about providing a statement.

   (d) Involved Officers in a critical incident resulting in the activation of the SIRR Team will not be authorized to view any body camera footage unless and until authorized by the SIRR Team lead investigator. In addition, TARU will immediately lockdown any involved officer's ability to view body camera video of these incidents pending notification from an authorized investigative supervisor.

2. By any supervisor conducting a Blue Team administrative review. Review of video shall be related to the specific complaint(s) and not used as the basis to

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randomly search for other possible violations. Other significant violations noted during this review but not mentioned in the complaint shall be addressed at the lowest reasonable level. Any disagreements about the processing of these violations shall be handled between the Chief's office and the Guild president or representative.

3. By an administrative review panel in the process of the review of any complaint assigned to their pod. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible violations. Other significant violations noted during this review but not mentioned in the complaint shall be addressed at the lowest reasonable level. Any disagreements about the processing of these violations shall be handled between the Chief's office and the Guild president or representative.
4. By the Use of Force Review Board.
5. By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations. Supervisors are authorized to review recordings to investigate the merits of a specific complaint prior to a formal complaint being filed. If appropriate the supervisor may allow the complaining party to review the footage with the supervisor as a means of addressing the concerns without a formal complaint being taken.
6. By technical support staff for purposes of assessing proper functioning of body cameras.
7. By the City and County Prosecutors.
8. By an Internal Affairs investigator who is participating in an official IA investigation investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations.
9. By a department investigator, or officer with the approval of a supervisor, who is participating in a criminal investigation.
10. By legal counsel and/or union representation representing an officer in a critical incident prior to providing a statement pursuant to an administrative inquiry.
11. Training - Recordings may be reviewed for training purposes. Prior to any recordings being used for training purposes all involved officers will be notified. If an involved officer objects to showing a recording, his/her objection will be submitted to the training Director to determine if the training value outweighs the officer's objection. Inadvertent discovery of minor policy violations shall not be the basis of disciplinary action.
12. By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation.

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13. By the City's legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
14. By the Ombudsman investigating a specific complaint pursuant to the authority granted to the Ombudsman in the collective bargaining agreement. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations.
15. Pursuant to a subpoena or public records request.
16. Specific acts showcasing the Department that reflect positively on SPD, may be of interest to the public, and are to be made available to the media upon approval of the Chief of Police or designee.

703.10 RETENTION OF BODY CAMERA VIDEOS

A. **General** – Videos related to officer-involved shootings, critical incidents, homicides, serious sexual assaults, and cases in which SPD has received a notice to preserve evidence shall be retained in Evidence.com until all trial and appellate litigation has been completed. The SPD Investigations Bureau shall be responsible for notification to TARU under these circumstances. Videos related to unsolved homicides and sexual assaults shall be kept consistent with the department policy for records retention.

B. Videos related to internal affairs investigations shall be transferred to a format compatible with Blue Team and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.

C. All other body camera videos shall be retained in Evidence.com for 12 months, then deleted.

D. Videos redacted for a public records request shall be retained for 24 months after the request and then deleted.

E. **Accidental Activation** - In the event of an accidental activation of the body camera where the resulting recording is of no perceived investigative or evidentiary value, the recording employee may request that the body camera video in question be deleted forthwith by submitting a written request to the Division Captain or designee. The Division Captain shall approve or deny the request and forward the decision to the TARU Administrator for action.

F. Employees shall not tamper with, alter, or delete video.

   1. Exception: This does not apply to personnel tasked with system maintenance who purge videos under established guidelines.

703.11 RELEASE OF BODY CAMERA VIDEOS

A. **For Criminal Justice Purposes** - Body camera videos may be accessed for criminal discovery purposes directly by prosecutors, whose offices shall have an account through Evidence.com. Prosecutors will be able to locate the existence of a body camera video by its reference in the police report and/or CAD report, and may search

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for videos related to pending cases by inputting the law enforcement incident report number into Evidence.com. Discovery of body camera videos to the defense bar shall be made through the prosecutor.

B. **To the Public** - Body camera videos will be made available to the public through public records requests pursuant to Chapter 42.56 RCW. Public records requests for body camera videos may be directed to the City Clerk's Office or to the Spokane Police Department and will be processed by the Police Records Unit. Prior to release, videos from body cameras will be reviewed and redacted. Redactions will be consistent with statutory exemptions under Washington law, including the following:

1. The image of any witness who expresses safety concerns or who requests that their identity not be disclosed;
2. The image of domestic violence, sexual assault, trafficking or stalking victims;
3. Child victims, child witnesses and juveniles in the court system;
4. Persons experiencing a medical emergency or receiving medical treatment;
5. Images that are highly offensive to a reasonable person, such as images of deceased or seriously injured persons;
6. Persons with apparent mental illness in crisis or who are detained for a mental health evaluation; or
7. The image of anything which reveals personal identifying information.

C. The Police Records Unit may provide third party notification to allow any person whose privacy may be impacted by the release of a body camera video time to file a petition for injunctive relief.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. A yellow plastic out-of-service bag will be placed on the outside spotlight after the vehicle is parked to indicate repairs are needed. A voice, email or MDD message will be sent to the SPD Equipment Servicer stating the nature of the problems and where the vehicle is parked. No officer will use any vehicle with a yellow plastic out-of-service bag on it.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Two traffic control vests
- 1 roll barricade tape
- 1 first aid kit
- Traffic cones
- 1 fire extinguisher
- Blanket
- Sharps container
- Riot control helmet
- Personal protective equipment per § 1016 and § 1024

704.3.2 DETECTIVE AND ADMINISTRATIVE VEHICLES

An employee driving unmarked department vehicles should ensure that the minimum following equipment is present in the vehicle:

- Traffic control vest
- Emergency road flares

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- 1 First aid kit
- Spare tire for vehicles taken out of city limits
- 1 Fire extinguisher
- Personal protective equipment per § 1016 and § 1024

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

704.5 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, and shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter. Generally, cars will be cleaned on the wash-rack at the Public Safety Building.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees and police volunteers using marked vehicles shall ensure all weapons are removed from vehicles before going into service.

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Vehicle Use

706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure City-owned vehicles are used appropriately. For the purposes of this policy, “City-owned” includes any vehicle owned, leased or rented by the City.

706.2 POLICY

The Spokane Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the MDC inputting the required information when going on duty. If the vehicle is not equipped with a MDC, they shall notify the Combined Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift.

Uniform officers when logging on shall note in the CAD remarks section that the vehicle was inspected. If there is new damage or equipment problems, they shall be specifically noted along with the name of the supervisor and time of notification. Examples are noted below:

- INSPECTED-OK
- INSPECTED-DAMAGED RIGHT REAR FENDER. SGT. SMITH @1220

Supervisors shall ensure that all cases of vehicle damage and equipment problems are properly documented, including photos when appropriate. It shall also be the supervisor's responsibility to see that all information regarding damage, mechanical concerns, and missing equipment is forwarded to the auto servicer.

Supervisors shall audit the CAD remarks section of assigned officers on a regular basis.

706.2.2 INDIVIDUALLY ASSIGNED VEHICLES

Personnel may be individually assigned vehicles based upon their assignment and upon approval of the Chief of Police. Generally, these employees have after hours on-call responsibilities and may take the vehicle home during off-duty hours. The following parameters will be considered for take home vehicle assignments.

A. Employees shall reside within the State of Washington or Idaho and within 30 driving miles (one direction) of the Public Safety Building.

B. Vehicles may be used for personal use when such use is incidental to official use.

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C. Assigned vehicles will not be used as transportation to or at an extra-duty work site without authorization from the Special Events Office.

D. Employees that are actively on-call shall have the assigned vehicle readily available for immediate response and will be within 30 driving miles (one direction) of the Public Safety Building. Under these circumstances the employee may use the vehicle for limited personal use.

E. Duty staff officers have continuous on-call responsibilities and therefore have greater latitude in the use of the assigned vehicle, as specified by the Chief of Police.

F. Employees shall arrange for off street parking of assigned vehicles, and all equipment within the vehicle will be appropriately secured when parked at the employee's residence. Vehicles shall be parked within a building if the vehicle contains a department firearm, or the department firearm will be removed from the vehicle and secured.

G. Any vehicle reassignments or switching of assigned vehicles shall be made through the approval of the officer’s chain-of-command and in coordination with the Department’s Fleet Manager.

H. The issuance of an assigned vehicle may be suspended or revoked for cause.

I. Members shall not operate City-owned vehicles at any time when impaired by drugs and/or alcohol.

J. Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

K. All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

L. Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

M. The loss of any key shall be promptly reported in writing through the member’s chain of command.

706.2.3 AUTHORIZED PASSENGERS

Employees may transport civilian passengers in a city vehicle. However, officers are obligated to respond to certain law enforcement events and a civilian passenger may be stranded during this type of situation

Citizen ride-along participants will fill out hold harmless forms before they ride with patrol officers or detectives during a regular duty assignment.

With prior approval from the Chief of Police or designee, civilian passengers may be allowed to accompany employees in a city vehicle to meetings or training locations outside of the Spokane area. It is imperative that the employee receives prior approval, as there may be specific liability attached to the city and the employee, should the vehicle be involved in a collision. Employees

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attending a school or working out of town may take passengers to meal breaks, hotels and other reasonable locations associated with their assignment.

If an employee has a question about a specific use of a city vehicle, he/she should ask his/her supervisor.

706.2.4 PARKING

City owned vehicles should be parked in their assigned areas. Employees shall not park privately owned vehicles in any stall assigned to a city owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

All employees who receive parking tickets in their city assigned cars are responsible for legally taking care of the ticket. If the ticket was issued during their official duties they may contact their supervisor and ask to have the ticket voided. Their supervisor can contact the administrative sergeant for assistance in voiding tickets issued both on private and public areas.

706.2.5 INSPECTIONS AFTER TRANSPORT

The interior of any vehicle that has been used to transport any person other than an employee shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 VEHICLES SUBJECT TO INSPECTION

Employees shall be responsible for inspecting the interior and exterior of the vehicle before taking the vehicle into service. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Spokane Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists, or to assist a law enforcement officer.

Officers driving department vehicles should, when practical, be armed at all times, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

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706.5 MAINTENANCE

A. Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

   1. Employees may use the wash racks at the Public Safety Building.

   2. Cleaning/maintenance supplies will be provided by the department.

B. Employees shall make daily inspections of their assigned vehicle for service/ maintenance requirements and damage.

C. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

D. Routine maintenance and oil changes shall be done in accordance with the garage schedule. The vehicles will normally be serviced at the City garage.

E. The equipment servicer will be notified of all needed repairs per Vehicle Maintenance Policy Manual § 704.

706.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from their chain-of-command and with coordination through the Department's Fleet Manager.

706.6 ON DUTY USE OF PRIVATE VEHICLE

Upon approval of the unit commander as designee of the Chief of Police, an employee may use his/her privately owned vehicle for on-duty purposes when the need for a non-police appearing vehicle is needed. The unit commander shall take into consideration the availability of other city owned vehicles, as well as the need to accomplish an operational objective, before approving such use. Employees shall complete the Authorization to Use Privately Owned Vehicle form and submit it to the unit commander for approval. Upon approval, the employee is authorized to use his/her privately owned vehicle for a specific departmental purpose, of a limited time period, to accomplish an operational objective. The unit commander will review the Authorization to Use a Privately Owned Vehicle form. He/she will approve the request based upon the reasonableness of the request and the departmental need to engage in such an operation. Upon completion of the detail, the unit commander will forward a copy of the Authorization to Use Privately Owned Vehicle form, with copies of any incident reports related to such use, to the division/bureau commander. The unit commander may authorize the employee to replace the gasoline used for the detail with gasoline from the city gas pumps.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

The Crime Analysis Unit, consisting of information analysis and information support functions, shall be responsible for the collection, collation, analysis (the proactive identification of specific crime trends), dissemination and feedback evaluation of crime data. The unit shall also make crime analysis information available to operational management as an aid to developing tactics, strategies and long range plans for the agency. The unit, with the approval of the appropriate supervisor, shall also share specific portions of crime analysis information with other authorized law enforcement entities.

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

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800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Communication Operations

802.1 PURPOSE AND SCOPE

The function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system, and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

SPD Communications Team will strive to consistently provide the highest quality service to the citizens while maintaining the utmost level of officer safety through a commitment to excellence, professionalism and integrity with the resources provided.

802.1.1 FCC COMPLIANCE

Spokane Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

The Combined Communications Center has two-way radio capability providing continuous communication between the Combined Communications Center and officers. In addition, phone contact may be provided between officers and the Combined Communications Center, as well as those calls initiated by the Combined Communications Center to citizens.

802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Combined Communications Center to record all relevant information on calls for service regarding criminal and non-criminal or self-initiated activity. Dispatchers shall attempt to enter as much information as possible in order to enhance the safety of officers, provide a record of department activities, and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Officer safety information, i.e., weapons, suspects
- Identification of officer(s) assigned as primary and backup
- Time of dispatch

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- Time of the officer's arrival
- Time of officer's return to service
- Disposition, clearance code, or status of reported incident

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of calls.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer unit designators ("call signs"). Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

802.4 UNIVERSAL PRECAUTION WARNING ALERT

The Universal Precaution Warning Alert is a code shared by dispatch via the MDT or via radio broadcast which provides a warning to responding officers about a location or individual with a known communicable disease that may place officers at risk of contracting a disease. Universal Precaution Warning Alerts may be generated from information provided by the individual, witnesses or officer observations, but in no instance shall include protected health information arising from confidential medical communications.

Officers with knowledge of a medical condition that puts officers at risk of contracting a communicable disease shall receive approval from a supervisor prior to requesting a Universal Precaution Warning Alert. Upon supervisor approval, an officer may request a Universal Precaution Warning Alert and shall prepare an incident report justifying the alert. The request shall be submitted to dispatch and shall include the identity of the person or location, incident number and recommended duration based on an assessment of risk to officers and others.

Universal Precaution Warning Alerts shall be subject to periodic review by supervisory staff to determine whether the code remains applicable and shall be removed when an alert is determined to be no longer applicable.

802.5 ALERTS: PERSON, LOCATION, VEHICLE AND BOOKING

The Alert system is a function that enhances officer safety, citizen safety, crime prevention, crime enforcement, medical concerns, other. The following is a list of Alert categories:

- Person
- Location
- Vehicle

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- Booking

Electronic entry and removal of Alert Category and Alert Type will only be performed by those designated by the Spokane Police Department who have been granted access to administrative levels in Computer Aided Dispatch and/or the Law Enforcement Management Records System. Alert Types are subject to deletion and addition based on department needs. Requests for Alert entry and/or removal from commissioned personnel can be done verbally but shall also be supported through documentation (Incident Report, FI, Other). Requests for Alert entry and/or removal from non-commissioned personnel must be documented and approved by commissioned leadership. All Alert entries will contain the name and personnel number of the requester. This will ensure that proper notification can be made during routine audits as expiration dates approach.

802.5.1 ENTERING EXPIRATION DATES ON ALERT ENTRIES

The majority of Alert Type entries should be given an expiration date not to exceed one year. The choice of expiration date should be based on best practices, responsible persons requests, predicted duration of event, other information relevant to Alert needs. A (P) next to Alert type indicates a that the Alert is fixed and permanent. (See above).

Records will conduct routine audits on any expiration dates approaching 30 days. An e-mail will be sent to the individual/unit who had requested the Alert advising them that the Alert will expire on listed date. The e-mail will also state that, unless the requester communicates an extension of the Alert, it will be allowed to expire.

802.5.2 TEMPERAMENT CODES

For officer safety and privacy concerns, officers and dispatch may utilize temperament codes during audible conversation and advisements of certain Alerts. Below are the Temperament codes and relation to Alerts.

- T-3: Officer Safety
- T-4: Gang
- T-7: Deceased
- T-8: Universal Precaution Warning
- T-9: Armed and Dangerous

802.5.3 ALERT PRIORITY

The electronic Alert notifications will appear in order of priority. Prioritization is listed numerically with the lower numbers designating higher priority. Priority assignment will be coordinated and designated based on Spokane City and Spokane County needs. These priorities are subject to adjustment.

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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

BEAST - The evidence management software used by the Property and Evidence Facility. BEAST is an acronym for Barcoded Evidence Analysis Statistical Tracking.

Surrendered Firearms - Firearms ordered by the court to be surrendered to, and temporarily held by, the Spokane Police Department or Spokane County Sheriff's Office. These firearms will remain in custody until the expiration of the order or as directed by any subsequent third party release order. These include:

ERPO – Extreme Risk Protection Orders

ITAS – Involuntary Treatment Act Surrender Orders

COWEAPS – Court Ordered Weapons Surrender

DV SAFE – Domestic Violence Safekeeping, firearms booked under this classification must be held five business days prior to starting release procedures.

Property - Includes all items of evidence, items taken for safekeeping, found property, and items confiscated for destruction and firearms surrendered pursuant to a domestic violence protection or no contact order.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes non-evidentiary property, which is in the custody of the law enforcement agency for temporary protection on behalf of the owner. These items include, but are not limited to:

- Personal property taken from the scene belonging to persons injured who are unable to take immediate possession of their property.
- Property obtained by the department for safekeeping such as a firearm.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Destroy - Includes non-evidentiary items of no monetary value taken into custody that law enforcement wishes to be destroyed. These items include, but are not limited to:

- Fireworks
- Excess alcohol
- Illegal weapons

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- Drugs and/or drug paraphernalia, including syringes

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated temporary property locker or storage room along with the Evidence Report form. Care shall be taken to maintain the chain of custody for all evidence.

Law enforcement officers will not, under any circumstances, convert to their own use, loan, or give away any item of property coming into their possession in the course of their official duties.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee's end of shift. Employees booking property shall observe the Property and Evidence Facility SOP for data entry protocol and evidence booking guidelines. Wear gloves and other personal protective equipment when booking on property and evidence.

Employees are responsible for accurate and complete information as entered on the Evidence Report. Ownership of each item logged must be determined. If no owner is identified, officers have the option to select "no owner."

Property and evidence will be packaged in accordance with the Washington State Patrol Crime Laboratory Physical Evidence Handbook and the Property and Evidence Facility SOP.

All firearms, currency, and high value items must be secured in temporary storage lockers or handed directly to an Evidence Technician.

804.3.2 EXPLOSIVES

The Evidence Facility will not store any kind of explosive or incendiary device unless it has been detonated/defused and certified safe by the Explosive Device Unit (EDU).

All Class C fireworks and firecrackers will be photographed and placed in the yellow “Firework Destruction” barrel located in the officers booking area. If it is necessary to retain the fireworks or firecrackers as evidence, log items(s) into BEAST with locker designation “OSBUNKER”. Contact EDU for transport to the appropriate storage bunker.

Class A or B explosives and 50 caliber rifle ammunition will be logged into BEAST with locker designation “OSBUNKER”. Contact EDU for transport to the appropriate storage bunker.

804.3.3 EXCEPTIONAL HANDLING

Certain property items require specific handling. The following items shall be processed in the described manner:

A. Firearms - All firearms will be treated as if they were loaded. Clearing barrels are available at the Property and Evidence Facility. All firearms submitted into the Property and Evidence Facility will be unloaded and rendered safe by the booking officer. Specific packaging requirements for firearms are outlined in detail in the Property

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and Evidence Facility SOP. Strict adherence to the packaging policy is required. All firearms must have the magazine and chambered rounds removed. All firearms will have safety ties threaded through the barrel and magazine port if applicable. Do not remove bullets from any magazine. Upon entry into the Property and Evidence Facility, every firearm will be required to meet the safety and packaging criteria, if not, the booking officer will be contacted to return to the Property and Evidence Facility to fulfill the requirement. The only exception to this policy is a firearm that requires forensic analysis prior to removing the magazine and /or ammunition. These firearms will require specific identification that the firearm is loaded. These firearms will not be received or handled by evidence technicians. The firearm will remain in the temporary locker until a detective/sergeant removes the firearm from the facility.

B. Sexual assault kits - Blood and urine samples should be packaged separate from the hospital kit. The evidence label can be placed directly on the hospital kit on an area that does not interfere with existing markings or identification. The kits, blood, and urine are to be placed in the temporary refrigerator storage.

C. Currency - All US currency shall be counted and the value entered into the BEAST system's value field. All currency is verified by two evidence technicians and heat sealed prior to storage. Large amounts of coin are not counted or verified. Foreign currency, counterfeit bills, dye pack currency, and other banking documents, such as checks, money orders, bonds, etc. will not be verified. Record the value of these documents in the item description.

D. Jewelry - High value jewelry must be itemized separately from other evidence items so that they can be stored in the vault.

E. Food - Perishable food items are not stored in the Property and Evidence Facility. These items should be photographed and released or logged in for destruction. The only exceptions are items related to homicides or other major crimes. The perishable items will be refrigerated or frozen.

F. Alcohol - With the exception of felony and ATF cases, alcohol should be photographed and put directly in the destroy bins. If a representative sample is required, retain one can or bottle for evidence. Sample packaging bottles are also available to empty contents of an open container. Seal all sample bottles.

G. Vehicles - Vehicles taken for evidence by Spokane police officers must be entered into the BEAST system. The vehicle must have a label attached and a copy of the Evidence Report delivered to the Property and Evidence Facility.

H. Hit-and-run - Hit and run non injury/unattended vehicle parts will be held for 60 days. City or County traffic units must request the vehicle parts be held longer if investigation or court is pending.

I. License plates - License plates found not to be stolen or connected with a known crime, should be logged in as safekeeping and the owner identified. Canceled plates are to be photo/photocopied and put in destroy bin. Do not log canceled plates unless needed as evidence.

J. Pressurized gas, liquid fuels, and odorous containers. These items are deemed hazardous and require special storage and handling. Log these types of items into

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BEAST with a temporary locker designation “TC05”. Tag the item(s) and put in the yellow ventilated storage cage located outside in the West officer entry lot.

K. Wet items - Property and evidence items that are wet or damp must be temporary located in the drying room to air dry prior to packaging. The officer will log items into Evidence to initiate chain of custody, generate reports & packaging labels. A drying room card shall be filled out by the booking officer and used in the notification process. Assigned Detectives or unit Sergeants are sent the removal notification after items are dry to remove and package the items.

L. Electronic media - All electronic media of evidentiary value including but not limited to video cassette tapes, memory cards or devices, computer disks, cell phones, etc., shall be stored in Case Guard Digital Evidence in its original form prior to making any duplicates/copies. All subsequent duplicate copies of the data shall be coordinated by the case manager. The exception to this is digital photography recorded by the officer (see policy § 813.5.2, Computer and Digital Evidence).

M. Biohazards-Blood/Urine/Perishable Samples-Styrofoam packaging is available for glass vial(s) if not provided by the hospital or WSP. The evidence label can be placed directly on the Styrofoam vial packaging. All other perishable items shall be packaged in a plastic resealable bag and then put into a Brown paper bag. All bodily fluids will have a biohazard label affixed to the packaging. All perishable items are to be placed in the temporary refrigerator storage during non-business hours and directly on the check in counter during business hours.

N. Firearms or Dangerous Weapons subject to DV Surrender Order. Firearm(s) or dangerous weapons surrendered to SPD officers will be logged into the facility using the DVGUN offense code. This code will not have a statute of limitations. The firearm(s) or dangerous weapon(s) will be held for the duration of the order or as otherwise rescinded or revised by the court. The item entry purpose code is DVGUN.

O. Fentanyl or Fentanyl Related Substances. Any Fentanyl or Fentanyl related substances will be double bagged in a plastic bag (each bag tape sealed) and then inserted into a drug envelope with all seams being tape sealed (to include the factory sealed flap). The pink stickers available in Property that say “DANGER may contain FENTANYL” will then be utilized to placard the item. At such time that the item is required to go to the lab, the assigned detective will package the item into a can for the Crime Lab to accept.

804.3.4 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer or detective 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).

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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.

804.3.5 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of Weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

A. Record the individual's name, address and telephone number.

B. Record the firearm's serial number.

C. Record the date that the firearm was accepted for storage.

D. Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

E. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to Records for timely filing with the court (RCW 7.94.090).

These firearms will remain in custody until the expiration of the order or as directed by any subsequent third party release order.

804.3.6 FOUND PROPERTY

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A Property Release form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s). The Property Release form shall be submitted to the Records Division.

RCW 63.21.050 requires law enforcement officers who receive found property from a citizen to advise the finder of the procedure for claiming the property. If the item has no evidentiary value and the property is valued at $100 or less, the finder is allowed to keep the property. Law enforcement will advise the finder to contact the Property and Evidence Facility for instruction on how to initiate the claim process on items that are turned over to law enforcement. Law enforcement officer must retain the following found property items: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document;firearm;evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess.

804.4 PACKAGING OF PROPERTY

Booking officers shall package all property in a suitable container available for its size. Certain items require special packaging consideration and require specific packaging.

A. Narcotics and dangerous drugs.

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B. Firearms and ammunition.

C. Fireworks.

D. Glass

E. Large bulk items

804.4.1 PACKAGING CONTAINER

Specific packaging products are available to package all property and evidence items. Refer to the Spokane Regional Evidence Facility Evidence Packaging Manual for required packaging procedures.

Evidence items that require latent prints must have a Forensic Request form submitted with the items. Large and/or heavy items submitted with a Forensic Request form will be put directly into the forensic print room located within the Property and Evidence Facility. A door marked "forensic print room" is accessible from the officers' booking area.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly logged, packaged, tagged, and placed in the designated temporary storage locker. All narcotics, over-the-counter medications, marijuana, and dangerous drugs are to be packaged in drug envelopes and are not to be packaged with other property.

All drug items, including over the counter, shall be packaged in a plastic resealable bag and then put into a drug envelope. Attach a drug envelope with label on larger drug items packaged in a brown or burlap bag. Any syringe that is submitted into the facility will be packaged in a protective syringe keeper, then placed in a drug envelope. The package and Evidence Report must be marked with "bio-hazard" notation. DOA prescription medications do not need to be packaged in plastic resealable bag. Itemize the medications and the specific quantity of pills in the incident report. Only log ONE item into BEAST, for example: the item description would state "Various Prescription Medications". DOA prescription medications are logged in under the safekeeping classification and disposition is determined by the County Medical Examiner. Marijuana grow operations: Leave pots and soil at the scene. Cut and package plants in brown paper or burlap bags. Do not package plant material in plastic. Cut a representative sample and put in a paper bag/drug envelope for analysis by the WSP Crime Lab. All dried plant material except the representative sample will be destroyed. Remove glass bulbs from reflective shields and package individually. Disassemble reflective shields.

804.5 RECORDING OF PROPERTY

The evidence technician will receive and maintain the chain of custody of each item submitted into the Property and Evidence Facility. The Evidence Report form is used to track status, location, and disposition of all property and evidence items. Electronic signatures are captured anytime the item is removed from the storage location for viewing and/or any time the items are removed from the facility.

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804.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in the chain of custody section of the Evidence report.

Law enforcement requests for property and evidence items shall be submitted at least one day prior to the date needed. The request can be made through the Barcoded Evidence Analysis Statistical Tracking ~ BEAST ~ system, email, or by telephone. All property and evidence items, other than items released to the owner, must be signed for by a law enforcement officer. Any request by a prosecutor to view felony evidence must be confirmed and accompanied by the case detective. Prosecutors may view misdemeanor evidence in the Property and Evidence Facility without accompaniment. All other viewing requests shall be approved and accompanied by a case manager.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be made in the BEAST chain of custody.

The case detective or unit sergeant shall authorize the disposition or release of all evidence and property. Detective rank and higher is required for release on all felony cases. City or County prosecutors can authorize disposal of items related to assigned misdemeanor cases. All firearms require release instructions from the respective unit's detectives or sergeants. The safekeeping classification implies authorization to release.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will sign out the evidence in BEAST prior to removing it from the Evidence Facility.

The WSP Lab forms will be transported with the property to the WSP laboratory. Upon delivering the item(s), the transporting employee will record the delivery time on the WSP form. The original copy of the WSP Lab form will remain with the evidence at the lab and a copy will be retained in the case file.

804.6.3 STATUS OF PROPERTY

Evidence technicians will make the appropriate entry to document the chain of custody for each property/evidence item received. Temporary release of property to officers for investigative purposes, or for court, shall be entered in the BEAST Chain of Custody, stating the date, time and to whom released.

The property and evidence technician shall obtain the signature of the person to whom property is released. Any officer or authorized employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

Evidence technicians will make the appropriate entry to document the chain of custody in the Evidence Report form, indicating the date and time that the property was received back into the facility.

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804.6.4 AUTHORITY TO RELEASE PROPERTY

The case detective or their supervisors are authorized to release property items, Prosecutors can initiate the release process by sending a Case Clearing Disposition form to the assigned detective for signature. That disposition then is distributed to the Property and Evidence Facility for compliance. Court orders can direct the Property and Evidence Facility to release items as detailed in the order.

804.6.5 RELEASE OF PROPERTY

Whenever personal property comes into the possession of the department in connection with official performance of officers duties and the property remains unclaimed or not taken away for a period of sixty (60) days from date of written notice to the property owner, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty (60) days from the time the property came into the possession of the police department, unless the property has been held as evidence in any court, then, in that event, after sixty (60) days from date when the case has been finally disposed of and the property released as evidence by order of the court, the Department may (RCW 63.32.010 and 63.40.010):

A. At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 and 63.40; or

B. Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2); or

C. Destroy an item of personal property at the discretion of the Chief of Police or Sheriff if the he/she determines that the following circumstances have occurred:

    1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and

    2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

    3. The Chief of Police or Sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is retained for law enforcement purposes as described in (b) above, the item may be removed from the control of the Property and Evidence Facility for law enforcement purposes. Property shall be requested by and may be released to authorized employees of the:

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- Spokane County Sheriff's Office
- Regional Drug Task Force
- Regional and affiliated law enforcement agencies

Statutory regulations require diligent tracking and auditing of any item removed from the Property and Evidence Facility, therefore the type of items that are eligible for removal and retention are very limited. Only items that are of such a unique nature that they cannot be otherwise obtained through normal purchase procedures will be considered for removal and retention. No other items will be authorized for removal from the Property/Evidence Facility.

The condition, inventory, and quality of the property removed for law enforcement use is the responsibility of the employee and/or agency that has custody of the property. Internal Affairs will perform an annual audit on the retained property. To retain property for law enforcement purposes, a Law Enforcement Property Retention Request form must be submitted to the employee's chain of command for approval. Any item that an employee and/or agency wish to retain must strictly meet the criteria listed above for approval to be granted. If the item is approved, the Property and Evidence Facility will release the property to the requesting unit ensuring compliance with the requirements in RCW 63.32.20 or 63.40.020. The property will be added to the retained property inventory. An inventory will be maintained and available for public inspection. The Property and Evidence Facility will create a current inventory list no later than January of every year and forward copies to the following:

- Police Internal Affairs
- Mayor or City Council
- County Administrator

If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020 and 63.40.020, may be offered by the Chief of Police or Sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of the RCW; or if the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the Chief of Police or Sheriff, in a manner that is illegal, such item may be destroyed (RCW 63.32.010 and 63.40.010).

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original Evidence Report form. After release of all property entered on the Evidence Report form, the form shall be forwarded to the Records Division for filing with the case. If some items of property have not been released the Evidence Report form will remain with the Property and Evidence Facility. Upon release, the proper entry shall be documented in the Evidence Report form.

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804.6.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held at the Property and Evidence Facility. An evidence technician will refer to the detective/sergeant, as applicable, to confirm and establish ownership. Such property shall not be released until one party has obtained a valid court order or law enforcement authorization to settle the dispute. Whenever there are claims for items that have been disposed of, citizens will be referred to City or County Risk Management departments to settle any disputes.

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
Spokane Police Department Internal Affairs will conduct and witness narcotic and firearms (per City Ordinance) destruction. All medications shall also be destroyed. Those disputing destruction will be directed to City Claims.

804.6.8 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 or an investigation supervisor.

804.7 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.

804.7.1 RETURN OF FIREARMS
Prior to the return of a privately owned firearm, the property and evidence technician shall ensure confirmation of the following (RCW 9.41.345):

A. The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual or other person identified by a court order.

B. The individual is eligible to possess a firearm pursuant to RCW 9.41.040.

C. The firearm is not required to be held in custody or is prohibited from release.

D. Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement, unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained.

E. Notification is made to those family or household members who have requested notification pursuant to established Department protocol.

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1. **Notification to Family or Household Member when Firearms are Returned** - The Family Notification Form may be filled out at the Evidence Facility by family or household members wanting notification. Family members are responsible for asking to be notified and are also responsible for keeping their contact information up to date.

    (a) Once the request for notification is made, the information is placed in BEAST. Property Unit personnel will become of aware of the request when releasing the weapon and will contact the family or household member. Upon notification, if family has questions on how they can stop their family member from obtaining their firearms they will be directed to contact the respective Lt./Sgt. of the DV Unit.

2. Firearms shall be held in custody for 72 hours from the time notification is provided.

F. 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.

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

804.7.2 UNREPORTED SEXUAL ASSAULT KITS

Unreported sexual assault kits are kits that law enforcement has not received a related report or complaint alleging a sexual assault or other crime has occurred. These shall be stored and preserved for 20 years from the date of collection RCW 5.70.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

Internal Affairs will conduct annual spot inspections.

A. On a monthly basis, the supervisor or designated safety officer of the Property and Evidence Facility shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

B. Unannounced inspections of evidence storage areas shall be conducted annually.

C. An annual audit of drug, currency, firearm, and high value jewelry containers stored in the Property and Evidence Facility shall be conducted and documented by the Property and Evidence Facility supervisor. A perpetual inventory of all other stored items is maintained in BEAST. Inventory reports shall be available for review by the by Chief of Police.

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D. A full inventory of sensitive items, to include drugs, currency, firearms, and high value jewelry containers is conducted whenever a change of the Evidence Supervisor occurs.

804.8.1 PROPERTY AND EVIDENCE OFFICE SECURITY

Access to the Spokane Police Department Property and Evidence Facility is restricted to authorized department personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Property and Evidence Facility.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Property and Evidence Facility. Personnel, other than those assigned to the Property and Evidence Facility, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

804.9 INMATE PROPERTY

All inmates' personal property should follow the inmate into custody of the designated correctional facility. Safekeeping items refused by the correctional facility will be inventoried and booked into the Evidence Facility with the item purpose: JAIL-Safekeeping Jail Refused. The inventory will be conducted to identify and document items of value and to discover items that pose a potential danger to the officer or property room staff. Any item that is illegal to possess or is evidence of a criminal violation will be logged into the Evidence Facility under ‘Destroy’ or ‘Evidence’ classification.

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Records

806.1 PURPOSE AND SCOPE

The Records Division maintains the official records for several law enforcement agencies in addition to the Spokane Police Department. The Records Manager shall maintain the department Records Division Procedures Manual in a current status to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

The New World police report number is in the format YYYY-AANNNNNN. Four for the year, up to two for the agency and six for an individualized incident number.

Reports are numbered commencing with the four digits of the current year followed by an agency number and then by a sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, case number 2017-20000001 would be the first new case for the Spokane Police Department beginning January 1, 2017.

Below are the agency numbers:

10 Spokane County Sheriff Department

20 Spokane Police Department

80 Eastern Washington University Police

82 Kalispell Tribe

84 Airway Heights Police Department

88 Liberty Lake Police Department

806.1.2 STANDARDIZED REPORTING FORMS

Unless the record is submitted on a Spokane Police Department/Spokane County Sheriff's Office/ Spokane Valley Police Department approved form, pre-printed paper or digital/electronic media, the record will be rejected by the Spokane Police Records Unit until it is resubmitted on an approved form.

806.1.3 UNIFORM CRIME REPORTING

The Spokane Police Department participates in the National Incident Based Reporting System (NIBRS). The NIBRS analyst is responsible for ensuring that NIBRS reports are provided to WASPC on a regular basis.

806.1.4 RECORDS PERTAINING TO SEX OFFENSES UNDER RCW 71.09.020

Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually

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violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval. Any record transferred to the Washington Association of Sheriffs and Police Chiefs under this policy shall be deemed to no longer constitute a public record and shall be exempt from disclosure.

806.1.5 CAD RETENTION AND PURGING OF RECORDS
This policy governs Computer-Aided Dispatch (CAD)-Incident Files, Mobile device messaging and logs retention periods and purging of records for the Spokane Police Department.

The retention period will be three (3) years plus the current year.

This policy authorizes the deletion of all Computer Aided Dispatch (CAD), Mobile device messaging and log records outside the retention period.

806.1.6 DATA RETENTION AND PURGING OF RECORDS
Permanently retained records will consist of the following:

- Homicide Cases
- Unidentified Decedents
- Active Missing Persons

All other records, including case files and associated documents, will be retained on a rolling 15 year schedule commencing September 1, 2002.

806.1.7 IMAGING AND DESTRUCTION OF PAPER RECORDS - "SCAN AND TOSS"
It is the policy of the Spokane Police Department to comply with City of Spokane Administrative Policy 0260-14-06 (Imaging and Destruction of Paper Records – "Scanning and Tossing") and State of Washington requirements when destroying paper-based source records after they have been converted to a digital format by imaging (scanning). This policy sets forth the requirements that Spokane Police Department employees must meet in order to lawfully destroy paper-based source records after they have been converted to a digital format by imaging (scanning) and applies to all divisions of the Spokane Police Department.

806.2 FILE ACCESS AND SECURITY
All reports shall be maintained in a secure area within the Records Division accessible only to authorized Records Division personnel.

806.2.1 REQUESTING ORIGINAL REPORTS
Original reports that have been accepted into the Records Division shall not be removed, except upon the authority of the Chief of Police. All original reports removed from the Records Division shall be recorded and a record maintained by the Records Manager.

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806.2.2 RECORDS CONCERNING JUVENILES

The Records Manager or designee shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable from adult files:

- Photos
- Fingerprints
- Booking information
- Any report in which a juvenile is named as a suspect in a crime.

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 (RCW 13.50.270).

806.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all 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.

806.3.1 ACCESS USE REQUIREMENTS

No member of the Spokane Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS Manual, Chapter 1, Section 5, Item D.

806.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Spokane Police Department complies with all of the following ACCESS requirements (ACCESS Manual, Chapter 4):

- Warrant Entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Cancelling information
- Providing 24 hour access to agency warrants

It is the responsibility of the Records Manager or designee to ensure that all ACCESS computer and network security requirements are in place and operational (ACCESS Manual, Chapter 1, Section 2, Item A).

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806.4 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 32.010.00 II, C):

A. The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute which 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 whom they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the Records Division is responsible for making the appropriate entry into WACIC.

Whenever an Officer Safety Advisory is initiated by the Spokane Police Department, it is the responsibility of the Records Manager to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

VPF removal is restricted to the agency that entered the record. To qualify for removal from the VPF, one or more of the following conditions must be met (WACIC Manual Chapter 32.08.000, II, A):

A. The record is invalid.

B. The law enforcement agency has determined that the subject no longer poses a threat to law enforcement officers.

Upon approval of the Chief of Police or his/her designee, the Records Division will be responsible for removing the appropriate entry from WACIC. All supporting documentation will be maintained by the Records Division as described above.

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Records Maintenance and Release

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of department reports and records in accordance with the Public Records Act (RCW 42.56, et seq.).

810.2 DEFINITIONS

Privacy Violation (right of privacy, right to privacy, personal privacy). An invasion or violation of privacy occurs only if disclosure of information about the person would be highly offensive to a reasonable person, and is not of legitimate concern to the public. The rights to privacy in certain public records do not create any right of privacy beyond those rights that are specified by law as express exemptions from the public's right to inspect, examine, or copy public records (RCW 42.56.050).

Public Record. Includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(3)).

Writing. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(4)).

810.3 PUBLIC RECORDS OFFICER

The Police Records Manager is designated as the Public Records Officer for the department and is responsible as the point of contact for members of the public when requesting disclosure of public records and in overseeing the agency's compliance with the public records disclosure requirements. His/her name and contact information shall be posted in the facility conspicuously visible to the public, and on the department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580).

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall immediately route the request to the Police Records Unit for processing.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may make a request for public records by submitting a request for each record sought and paying any associated fees.

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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 exempt and nonexempt material, the exempt material shall be redacted and the nonexempt material released along with an exemption log showing what has been redacted and withheld.

C. A copy of the redacted records shall be maintained along with the exemption log.

D. Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):

1. Providing the record.

2. Providing the Internet address and link of the department website to the specific records requested.

(a) If the requester notifies the department that access cannot be obtained through the Internet, then copies of the record shall be provided or the requester may view the records on a department computer.

3. Acknowledging the receipt of the request and providing a reasonable estimate of time the department will require to respond to the request. Additional time may be required to respond based upon:

(a) The need to clarify the intent of the request;

(b) The need to locate and assemble the information requested;

(c) Notification to third persons or agencies affected by the request;

(d) A determination as to whether any of the information requested is exempt.

810.4.2 ELECTRONIC RECORDS

A. The process for requesting electronic public records is the same as requesting paper public records.

B. When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

810.4.3 DENYING A RECORD OR ANY PORTION OF A RECORD

A. The denial of a record or any portion of a record shall be accompanied by an exemption log. The exemption log shall identify each item withheld and, for each item, it shall list the statutory exemption and provide a brief explanation of how the specific statutory exemption applies to the withheld record.

B. Requests that are denied may be appealed to the City’s Hearing Examiner.

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C. Requests that are denied are subject to judicial review and the burden of proof is on the department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

810.5 STATUTORY EXEMPTIONS

Examples of statutory exemptions 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 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). If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

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 sexual 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 memoranda in which opinions are expressed or policies formulated or recommended (RCW 42.56.280).

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L. Records that are relevant to a controversy (threatened, actual or completed litigation) to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

M. Security records including, but not limited to, records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.

N. Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250)

O. Information contained in a local, regional or statewide gang database (RCW 42.56.240).

P. Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240).

Q. Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T Visa, except where allowed by law (RCW 7.98.020).

R. Personal identifying information about an individual's religious beliefs, practices or affiliation (RCW 42.56.235).

S. Investigative records compiled by the Spokane Police 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 Spokane Police Department internal policies during an active and ongoing investigation (RCW 42.56.250).

1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.

T. Any other information that may be appropriately denied by Washington law.

810.5.1 EXEMPTIONS WITHIN GENERAL CASE AND CRIME REPORTS

Reports containing the items listed below will be redacted pursuant to (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

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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.

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 employees, 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.

810.5.2 CRIMINAL HISTORY RECORD INFORMATION (CHRI)

CHRI which includes non-conviction data shall not be disseminated, except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

Notwithstanding these restrictions, all requests for a person’s own criminal history record information shall be honored.

810.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) the following:

A. The Washington State Patrol

B. Department of Motor Vehicles

C. Other Law Enforcement Agencies

D. As authorized by law or valid court order

E. Parties having proper interest or involvement in the specific reported collision, including the following (RCW 46.52.083):

1. Involved drivers
2. Legal guardians of the drivers
3. Parent of a minor driver
4. Injured parties
5. Owners of damaged property

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6. Authorized attorney or insurance carrier

Parties having proper interest or involvement with the specific reported collision may not receive reports signed by the drivers involved in the accident.

Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

810.5.4 JUVENILES

A. **Juvenile Victims and Witnesses.** The names of juvenile victims and witnesses shall be redacted from police reports.

B. **Juveniles in the Juvenile Court System.** All records related to juveniles who are subject to the provisions of Title 13 RCW must be kept confidential unless they are part of the official juvenile court file or meet another statutory exception.

1. Except as provided in RCW 4.24.550 (relating to sex offenders and kidnapping offenders), information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

C. **Release to Victim.** Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

D. **Juvenile May Obtain Discovery From Prosecutor.** Release of records to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

810.5.5 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

A. Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

B. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

C. The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment

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related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

D. Information that identifies a person who, while a department employee:

1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.

2. Requests his/her identity or any identifying information not be disclosed.

E. Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

F. Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.

1. News media does not include any person or organization of persons in the custody of a criminal justice agency.

2. Any such request by the media for the date of birth of an employee should be forwarded to the Administrative Services Supervisor and the affected employee should be promptly advised of the request.

3. A court may issue an injunction, at the request of the department or the employee, if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

810.5.6 OTHER EXEMPT RECORDS

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

A. Preliminary drafts, notes, recommendations, and intra-agency memoranda 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

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disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):

1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

D. Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.
3. The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

810.6 REQUESTS FOR BODY CAMERA VIDEOS

Body worn camera recordings shall be produced unless nondisclosure is essential for the protection of any person's right to privacy. Disclosure is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

A. Any areas of a medical facility, counseling, or therapeutic program office where:

1. The patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or
2. Health care information is shared with patients, their families, or among the care team; or
3. Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

B. The interior of a place of residence where a person has a reasonable expectation of privacy;

C. An intimate image as defined in RCW 9A.86.010;

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D. A minor;

E. The body of a deceased person;

F. The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

G. The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

810.7 COSTS FOR COPIES OF PUBLIC RECORDS

The Spokane Police Department adheres to the City of Spokane Public Record Act Fee Schedule. Refer to City of Spokane Administrative Policy and Procedure, “Public Record Requests,” ADMIN 0260-17-03, Attachment C.

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Criminal History Record Information (CHRI)

811.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

811.2 AUTHORITY

This policy is established pursuant to RCW 10.97 et seq., the Criminal Records Privacy Act, which delineates who has access to CHRI, and establishes penalties for the improper use of CHRI.

811.3 DEFINITIONS

Definitions related to this policy include:

Criminal History Record Information (CHRI) - Manual/automated rap sheets and abstracts, rap sheet crime summaries, criminal history transcripts, FBI rap sheets, and any SPD documents containing a list of prior arrests, descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release (RCW 10.97.030(1)).

CHRI includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender.

CHRI does not include posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis; records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days; records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130; intelligence, analytical, or investigative reports and files.

Criminal Justice Agency - Means a court or a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice (RCW 10.97.030(5)).

Administration of Criminal Justice - Means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime (RCW 10.97.030(6)).

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Dissemination - Means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions (RCW 10.97.030(8)):

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination.

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination.

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not dissemination.

811.4 AUTHORIZED RECIPIENTS OF CHRI

CHRI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

CHRI shall only be disseminated to those entities authorized for dissemination that are listed under RCW 10.97.050 .

811.4.1 CRIMINAL RECORD SECURITY OFFICER

The Records Manager is the designated Criminal Record Security Officer for the Spokane Police Department. This manager is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

811.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer.

(b) Records Manager.

(c) Full-time employees of the Records Division.

(d) Personnel specifically designated in writing by a Major with the concurrence of the Criminal Records Security Officer.

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811.4.3 RELEASE OF CHRI TO FIELD PERSONNEL
Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not be transmitted by radio broadcast or through non-secure computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

811.4.4 RECORDS SUITABLE FOR RELEASE
Conviction records and CHRI may be disseminated as set forth in RCW 10.97.050.

811.5 JUVENILE RECORDS
Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Superior Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

811.6 REVIEW OF CRIMINAL OFFENDER RECORD
RCW 10.97.080 provides the authority and procedure whereby an individual may review his/her own rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the department after complying with all legal requirements.

811.7 PROTECTION OF CHRI
CHRI shall be stored in the Records Division where constant personnel coverage will be provided. CHRI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CHRI stored in the Records Division shall be restricted to the Records Division personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets, and rooms outside the Records Division shall be restricted to those persons who possess both the right to know and the need to know the information.

811.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Division, Combined Communications Center, Investigation Bureau and secured wireless computers, to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

811.7.2 DESTRUCTION OF CHRI
When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents they receive.

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Disposal of all media will comply with the CJIS Security Policy for media disposal and includes the following:

(a) When no longer usable, diskettes, tape cartridges, ribbons, hard copies, Print-outs, and other similar items used to process CJIS data shall be destroyed by shredding (which must occur before destruction), incineration, or degaussing, considering whichever method is available, appropriate, and cost effective. This list is not all-inclusive.

(b) IT systems which have processed or stored CHRI shall not be released from control until the equipment is sanitized and all stored information has been cleared.

811.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Division shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI.

811.9 PENALTIES FOR MISUSE OF RECORDS

RCW 10.97.120 makes it a misdemeanor to furnish, buy, receive, or possess rap sheets without authorization by a court, statute, or case law.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a) .

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Computers and Digital Evidence

813.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

813.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

A. Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

B. Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

C. If the computer is off, do not turn it on.

D. If the computer is on, do not shut it down normally and do not click on anything or examine any files. Officers should contact an officer specially trained in processing computers as evidence for assistance or direction on how to process or properly secure the computer. After hours, this may be done by contacting the DSO.

   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

   2. Attempt to determine if the computer has access or is connected to a secured or unsecured wireless network. This information should be noted in the report.

E. Label each item with case number, evidence sheet number, and item number.

F. Handle and transport the computer and storage media (e.g., tape, disc's, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

G. Log all computer items into the Property and Evidence Facility. Do not store computers where normal room temperature and humidity is not maintained.

H. At minimum, officers should document the following in related reports:

   1. Where the computer was located and whether or not it was in operation.

   2. Who was using it or had access to it at the time of the crime.

   3. Who claimed ownership.

   4. If it can be determined, how it was being used.

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I. In most cases when a computer is involved in criminal investigation and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media.

J. Hard drives can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields (i.e. police radio hardware).

K. When battery powered computers (e.g. laptops) are involved in criminal investigations and are in the possession of the suspect, the electrical cords or charging cords should be seized with the digital device.

813.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

813.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy discs, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

A. Copy of report(s) involving the computer, including the Evidence Report form.

B. Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant and search warrant affidavit authorizing the search of the computer hard drive for evidence relating to investigation.

C. A completed Computer Work Request form, listing search terms and search parameters (e.g., photographs, financial records, e-mail, documents).

D. A forensic copy of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

813.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard disks, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

A. If the media has a write-protection tab or switch, it should be activated.

B. Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, contact the case manager for copying the contents to an appropriate form of storage media.

C. Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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D. Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

E. Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

F. When battery powered digital devices (e.g. digital cameras) are involved in criminal investigations and are in the possession of the suspect, the electrical cords or charging cords should be seized with the digital device.

813.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

A. Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

B. Do not turn the device on or off. If the device is powered on, it should be left powered on and either put in Airplane Mode, or placed in a solid metal container (such as a paint can) or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

C. When seizing the devices, also seize the charging units and keep the device plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

813.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras, cell phones, and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

813.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

813.5.2 SUBMISSION OF OFFICER RECORDED DIGITAL EVIDENCE

The following are required procedures for the submission of digital evidence generated by cameras, cell phones or other recorders:

A. When the photography or recording of digital evidence for the incident is finished, the digital evidence will be uploaded to CaseGuard by the recording officer no later than by the end of that shift. Evidence case reports (ie “photo log”) will be completed in CaseGuard and automatically forwarded to Records.

1. If the digital evidence cannot be uploaded by the officer due to technical difficulties or unexpected errors, the agency digital storage media (SD card,

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smart card, flash drive, or other) may be submitted to the Forensics Unit or TARU for transfer. Digital storage media sent to the Forensics Unit or TARU shall be placed in a sealed envelope labeled with the report number, incident date and name of the officer.

2. Once it is verified that all images or files have been successfully uploaded to the CaseGuard cloud, the agency digital storage media will be erased for re-use.

B. Digital evidence stored in CaseGuard is housed on an Amazon DOJ cloud server and will be considered the original evidence.

C. Officers are not authorized to make hardcopies of recorded digital evidence. Forensic Unit and TARU employees are the only ones authorized to copy and/or distribute hardcopy digital media.

D. Officers requiring access to restricted digital evidence must request access through the assigned case investigator.

E. Only digital evidence created by body-worn cameras, the Axon Interview system, and/or the Axon Citizen app, will be stored in Evidence.com, pursuant to Policy 703. Digital evidence stored in Evidence.com is housed on an Axon cloud server and will be considered the original evidence.

813.6 DIGITAL EVIDENCE NOT RECORDED BY OFFICERS

A. Examples of other digital evidence include, but are not limited to:

1. Digital video/audio recording obtained from residential or business video surveillance or security systems;

2. Any photograph, video or audio recording taken by a victim, witness or person who is not an authorized member of the Spokane Police Department;

3. Any digital evidence sent electronically (i.e., email, cell phone messaging) to any member of the Spokane Police Department; or

4. Any digital evidence collected under lawful search and seizure provisions.

813.6.1 SUBMISSION OF DIGITAL EVIDENCE NOT RECORDED BY OFFICERS

A. Digital evidence received from outside sources must be downloaded to storage media (CD/DVD, flash drive or other media) for collection, UNLESS the evidence is received via email or a thumb drive, in which case the following procedures shall be utilized:

1. Digital evidence received via email may be uploaded directly to CaseGuard.

2. Digital evidence received on a thumb drive not issued by SPD shall be submitted to TARU to be scanned for security threats (viruses, adware, malware, ransomware, etc.). Once the thumb drive is scanned, TARU personnel will upload the digital evidence to CaseGuard. Thumb drives submitted to TARU shall be placed in a sealed envelope labeled with the report number, incident date and name of the officer.

3. Digital evidence received via the Axon Citizen app is automatically uploaded to Evidence.com.

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B. Officers shall ensure that all storage media used to collect/transfer/store digital evidence is “clean” (i.e. does not contain data from other cases, personal files, etc.).

C. Officers are not authorized to copy and/or distribute recorded digital evidence. Members of the Forensic Unit and TARU are the only employees authorized to copy and/or distribute digital evidence. All duplicate copies of digital evidence will be coordinated by the case manager.

D. The only exception to this policy is by supervisory approval due to the sensitive nature of the media. Deviations will be noted in the case file stating the storage location of the digital media.

E. The digital evidence will be uploaded from the storage media to CaseGuard by the collecting officer no later than by the end of that shift. Evidence case reports (ie “photo log”) will be completed in CaseGuard and automatically forwarded to Records.

1. If the digital evidence cannot be uploaded by the officer due to technical difficulties or unexpected errors, the storage media may be submitted to the Forensics Unit or TARU for transfer. Storage media sent to the Forensics Unit or TARU shall be placed in a sealed envelope labeled with the report number, incident date and name of the officer.

2. Once it is verified that all images or files have been successfully uploaded to the CaseGuard server, the storage media will be erased for re-use (flash drive, etc.) or destroyed (CD/DVD).

813.7 PROHIBITED OR RESTRICTED DIGITAL EVIDENCE IN CASEGUARD

A. The following digital evidence is PROHIBITED in CaseGuard and shall not be uploaded:

1. Images or recordings of Child Pornography;

2. Images or recordings of Confidential Informants.

B. The following digital evidence shall be marked as RESTRICTED when uploaded to CaseGuard:

1. Images or recordings associated with Internal Affairs investigations.

2. Death investigations, sex crime investigations, and officer-involved critical incident investigations are automatically restricted by CaseGuard based on crime type.

813.8 PRESERVATION OF DIGITAL EVIDENCE

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

A. Files should not be opened or reviewed prior to downloading and storage.

B. Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

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813.9 VIEWING, PRINTING, AND/OR COPYING OF DIGITAL EVIDENCE

A. Viewing, printing, and/or copying of data stored on the server and accessible through CaseGuard is permissible by authorized personnel only.

B. Only Forensic Unit and TARU employees are authorized to make copies from original digital images or files booked onto Property. The original digital images or files shall remain on Property as evidence and shall remain unaltered.

C. Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

D. If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

813.10 OUTSIDE TECHNICAL ASSISTANCE

The necessity for outside technological assistance will be identified by the forensic technician in conjunction with the case manager and forwarded through the chain-of-command for approval.

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Chapter 9 - Custody

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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 Spokane Police Department facility. Such items can pose a serious risk to the safety and security of Spokane Police Department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.2 DEFINITIONS OF SEARCHES

Pat-Down Frisk - A protective pat-down used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners. An officer must have reasonable suspicion that the subject is armed and dangerous in order to justify a non-consensual pat-down.

Custodial Arrest Search - This search is used by officers who have conducted a custodial arrest. Where safe to do so, officers shall conduct this search as soon as possible after making a custodial arrest and prior to placing the arrestee in a patrol vehicle. It involves a thorough search of an individual's clothing/person and other property in their immediate possession. All pockets, cuffs, backpacks, purses, etc., are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried. The prisoner's personal property is removed and inventoried. In this type of search, all items are removed from a prisoner's possession and placed in a plastic bag, if available. This property is then turned over to jail staff or, in certain circumstances, placed on Property. Any property of significant value should be properly documented. Large sums of money should be counted in the presence of another witness officer.

Strip Search- This is not a body cavity search; this is a search that requires a person to remove or rearrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (RCW 10.79.070(1)).

Physical Body Cavity Search - This is the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity (RCW 10.79.070(2)). Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (RCW 10.79.070(3)).

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.

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900.4 PAT DOWN SEARCHES

A. When any officer has reasonable suspicion based on articulable facts to believe that a person being lawfully detained may possess weapons or other dangerous items, and is presently dangerous, that officer may conduct a normal pat-down frisk of that individual.

B. Prior to detaining any individual in any police vehicle, an officer should conduct a pat-down frisk of that individual to ensure no weapons are present that could later be used against the officer or another officer.

C. Whenever practical, a pat-down frisk of an individual should be conducted by an officer of the same sex as the person being frisked. Absent the immediate availability of a same sex officer, it is recommended that a witness officer be present during any pat-down frisk of an individual of the opposite sex as the frisking officer.

900.5 STRIP SEARCHES

No person shall be strip searched without a Superior Court warrant unless (RCW 10.79.130):

A. There is a reasonable suspicion to believe that a strip search is necessary to discover weapons, or any instrument that may be used as a weapon.

B. Consensual strip searches of cooperative individuals (informants) being utilized in an undercover operation. Such searches shall only be done with supervisory approval and in accordance with RCW 10.79.100.

C. Strip searches conducted for/at detention facilities shall comply with the facilities policy.

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Spokane Police Department facilities shall be conducted as follows (28 CFR 115.115):

A. Written authorization from the Shift Commander shall be obtained prior to the strip search.

B. All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).

C. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

D. Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

E. Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

F. The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):

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1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Commander.
4. The name of the individual who was searched.
5. The name, serial number of the officer and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
11. Any health condition discovered.

G. No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

H. Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).

I. A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

900.6 PHYSICAL BODY CAVITY SEARCH

No person may be subjected to a body cavity search unless a Superior Court search warrant is obtained (RCW 10.79.080(1)). Body cavity searches are subject to the following conditions:

A. No body cavity search shall be authorized or conducted unless other less invasive (visual or strip search) methods do not satisfy the safety, security, or evidentiary concerns of the agency (RCW 10.79.080(3)).

B. A warrant may not be sought without specific authorization in writing from the ranking shift supervisor. Authorization for the cavity search may be made electronically provided it is reduced to writing and signed by the ranking supervisor (RCW 10.79.080(2)).

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C. Before the body cavity search is authorized or conducted, a thorough pat-down frisk, and a thorough clothing search must be used to search for and seize any evidence (RCW 10.79.080(3)).

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

A. Body cavity searches shall be conducted as follows:

1. The search must be performed under sanitary conditions.

2. The search must be conducted by a physician, registered nurse, or physician's assistant.

3. Privacy will be afforded to the person. This includes dressing and undressing. Persons not physically conducting the search may not be present during the search, dressing, undressing, etc., unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

4. The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals.

B. **DOCUMENTATION OF A BODY CAVITY SEARCH:**

1. The officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW) 10.79.080(4)):

(a) A copy of the written authorization required under Policy Manual § 902.6(b).

(b) A copy of the warrant and any supporting documents.

(c) The name and sex of all persons conducting or observing the search.

(d) The time, date, place and description of the search.

(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

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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 Superior Court search warrant (RCW 10.79.170).

900.10 TRAINING

The Training Lieutenant 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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Custodial DNA Samples

902.1 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).

902.2 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)).

902.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement persons required to provide DNA samples shall be processed for the necessary samples

902.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples, the confining officer, or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.

902.3.1 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.

902.3.2 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.

902.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on appropriate forms along with all DNA samples.

902.3.4 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

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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 written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.

(c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped.

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained, and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

902.4 PROCESSING DNA SAMPLES

All DNA or biological sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be delivered to the forensic laboratory services bureau of the Washington State Patrol and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons (RCW 43.43.754(2)).

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Chapter 10 - Personnel

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Employee Selection and Hiring Standards

1000.1 PURPOSE AND SCOPE

The employment policy of the Spokane Police Department shall provide equal opportunities for both department employees and applicants regardless of race, sex (including pregnancy, gender identity, and sexual orientation), age (40 or older), religion, creed, color, national origin, ancestry, disability, marital status, familial status, genetic information, veteran or military status and shall not show partiality or grant special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the City of Spokane Human Resources Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. Candidates must be U.S. citizens at the time of application when required. Police Officer applicants shall also meet all qualifications set forth by the Spokane Civil Service Commission and Public Safety Testing. Police Officer applicants must provide proof of college education requirements prior to the physical assessment. Police Officer applicants who have been a law enforcement officer for at least four years are not required to provide proof of college education. Non-commissioned applicants shall have passed the Civil Service test for the position for which they are applying unless the position does not require Civil Service testing (i.e. volunteers, temp-seasonal, interns, etc.). Any current City employee applying for, transferring to, or temporarily working at the Spokane Police Department from another City Department or Division will go through the same screening process as any other person applying for the same position. All applicants shall also meet those standards set by state law.

1000.2.1 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

1000.3 STANDARDS

Employment standards shall be established for each job classification and the applicant must possess the special training, ability, knowledge and skills required to perform the duties of the position in a satisfactory manner. The City of Spokane Human Resources Department maintains standards for all positions.

(Refer to the Training Academy Employee Selection and Hiring Standards for job dimensions and standards assessed for eligibility as a Spokane Police Department employee).

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the department and the employee, giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge for measuring performance and may be used for making personnel decisions relating to promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn supervisory personnel shall be sent to a WSCJTC approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period.

1002.3 EVALUATION FREQUENCY

Non-probationary commissioned employees will receive one evaluation per year to be completed between January 1st and January 31st of the current year for the previous 12 month calendar year. Probationary employees are evaluated according to the FTO protocol.

Non-commissioned employees shall receive evaluations as follows:

- Original Appointment Probation: During the first year an employee is employed with the city, there will be three performance evaluations prepared. These evaluations will be conducted at the end of the 4th, 8th, and 11th months of the probationary period.
- Promotional Probationary Period: When a classified employee is promoted to a higher classification, that employee is on probation for six (6) months. Performance evaluations will be prepared at the end of the 3rd and 5th months of the probationary period.
- Annual: Each employee who has completed the probationary period will have a performance evaluation with the city prepared between January 1st and January 31st of the current year for the previous 12 month calendar year. For an employee who has

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been promoted, the evaluation will be done on the anniversary date of the completion of the promotional probationary period.

- Promotional: An employee who signs up for a promotional test through the Civil Service system will have an evaluation prepared if the last evaluation was more than one (1) year before the date of the test.
- Special Supervisory Evaluation: The supervisor has the option of preparing a special evaluation on an employee. This evaluation is normally used to document significant improvements or deficiencies in an employee's performance. This evaluation will not be prepared on an employee on initial appointment or promotional probationary status.

1002.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under Policy Manual § 350.

1002.4 TRANSFERS DURING RATING PERIOD

If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

1002.4.1 COMPLETION OF EMPLOYEE PERFORMANCE EVALUATION DOCUMENT
The rater will complete the document, and will detail the employee’s performance on the relevant categories listed on the "performance evaluation" section (commissioned PAR). The rater will give the employee an appropriate rating based on the employee's performance during the rating period. If the category is not applicable to the particular employee or not observed, the rater will note this accordingly.

1002.5 EVALUATION REVIEW

Before the supervisor discusses the evaluation with the employee, the signed performance evaluation is forwarded to the rater's supervisor. The reviewer shall assess the evaluation for fairness, impartiality, uniformity, and consistency.

1002.6 EVALUATION INTERVIEW

The supervisor will make arrangements for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the comments, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor will sign and date the evaluation and request that the employee do the same. Permanent employees may write a rebuttal that will be attached to the performance evaluation report.

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1002.7 EVALUATION DISTRIBUTION

The supervisor conducting the evaluation will provide one copy to the employee and maintain one copy in the employee's shift file. The original performance evaluation shall be forwarded to Police Personnel. Police Personnel will place an electronic copy of the evaluation in the employee's personnel file, send a copy to Civil Service and send the original to City Human Resources Department.

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

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.

1010.3 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

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 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 Commander 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 released from work (see Work Restrictions in this policy).

1012.3.1 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).

1012.4 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).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

The City has 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 Human Resources Department, 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.

1012.6 RELATIONSHIP TO COLLECTIVE BARGAINING AGREEMENT

In the event of any inconsistency between this policy and the Drug and Alcohol provisions of a bargaining agreement, the bargaining agreement shall prevail.

1012.7 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the department.

1012.8 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.

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.

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1012.8.1 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:

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.

1012.8.2 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.

1012.9 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).

1012.10 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 Reporting

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective labor agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825).

1014.2 NOTIFICATION

Employees shall notify their immediate supervisor as soon as possible, but at least one hour prior to their scheduled shift, that they will not be able to report to work due to personal or family illness.

While on duty, the employee's supervisor shall be notified by the employee when the employee is unable to continue due to illness or other circumstances.

Employees shall notify their supervisor at least one hour prior to returning to work to allow adjustments in staffing levels.

1014.3 EXTENDED ILLNESS

Employees absent from duty due to illness may be required to furnish a statement from their physician upon returning to work as allowed by state and federal law.

Employees absent from duty due to an on-duty injury requiring medical treatment, shall furnish a statement from their physician upon returning to work to their supervisor who will forward it to payroll.

Employees who have planned surgeries or other medical procedures shall notify their supervisor and payroll as soon as possible as to the dates and anticipated time off required.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave misuse in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Supervisor will notify payroll as soon as possible about all extended employees sicknesses over three days and any planned surgeries or needed FMLA.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

A. To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD) and other potentially infectious substances.

B. To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).

C. To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

D. To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.1.1 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 Spokane Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines (WAC 296-823-140 et seq.).

1016.2.1 EXPOSURE CONTROL OFFICER

The patrol administrative sergeant is the department assigned Blood borne Pathogens (BBP) Exposure Control Officer (ECO) and working with city Risk Management, shall be responsible for the following:

A. The overall management of the BBP Exposure Control Plan (ECP).

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B. Establishing written procedures and a training program related to aerosol transmissible diseases.

C. Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remaining current on all legal requirements concerning BBP and other communicable diseases.

D. Acting as a liaison during Occupational Safety and Health Administration (OSHA) inspections and conducting program audits to maintain an up-to-date ECP.

E. Working with the Academy to maintain an up-to-date list of police personnel requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.

F. Reviewing and updating the ECP annually (on or before January 1st of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between fluid types, all bodily fluids are to be assumed potentially infectious (WAC 296-823-14060).

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is available for all personnel to assist in the protection against such exposures:

- Disposable latex gloves
- Safety glasses or goggles
- N95 disposable respirator mask
- Alcohol (or similar substance) to flush skin at emergency site
- Protective shoe covers

The protective equipment is to be kept in each police vehicle and near each work area. Protective equipment should be inspected at the start of each shift and replaced as soon as practical upon returning to the station if used or damaged during the shift, or as otherwise needed. The officer who used the equipment is responsible for ensuring that the equipment is replaced prior to securing from shift. If the officer is injured or otherwise unable to complete this task, they shall request another officer or supervisor coordinate the replenishing of this equipment.

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1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment and/or immunization for Hepatitis B (HBV) (WAC 296-823-130 and WAC 296-823-13005).

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate precautions to prevent skin and mucous membrane exposure whenever contact with blood or other body fluid is anticipated (WAC 296-823-15005).

Disposable gloves should be worn on all medical emergency responses. Disposable gloves should be worn when physical contact is anticipated with any patient and/or when handling items soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste (WAC 296-823-15010). Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way that minimizes splashing, spraying, or otherwise generating droplets of those materials (WAC 296-823-14020).

The following guidelines are paramount:

- Avoid needle sticks and other sharp instrument injuries. Never perform two handed needle recapping.
- Wear disposable gloves when contact with blood or body fluids is likely.
- Use disposable shoe coverings if considerable blood contamination is encountered.
- Keep all cuts and open wounds covered with clean bandages.
- Avoid smoking, eating, drinking, nail biting, and all hand-to-mouth, hand-to-nose, and hand-to-eye actions while working in areas contaminated with blood or other body fluids.
- Wash hands thoroughly with soap and water after removing gloves and after any contact with blood or other body fluids.
- Clean up any spills of blood or other body fluids thoroughly and promptly using a 1:10 household bleach dilution.
- Clean all possibly contaminated surfaces and areas with a 1:10 household bleach dilution.
- Place all possibly contaminated clothing and other items in clearly identified, impervious bio-hazard plastic bags.
- Place all possibly contaminated sharp objects in clearly identified puncture resistant containers.

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1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of bio-hazards with the on-scene fire response vehicle, at the attending clinic/hospital with their approval, or in an appropriately marked bio-hazard waste container at the Public Safety Building immediately upon arrival.

The bio-hazard waste container is located at the bottom of the stairs that lead into the basement of the Public Safety Building. It is clearly marked and lined with a red plastic, bio-hazard bag. The Forensics Unit is responsible for having this container emptied routinely. They shall coordinate this with Risk Management. Directions on emptying the container are posted directly above the barrel.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible at the conclusion of the incident. Officers should wash their hands even if protective gloves were worn and no transfer of hazardous materials is suspected. Antibacterial soap, warm water, and/or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood, bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap, warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by application of an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water, soap and/or an approved disinfectant. Medical treatment should be obtained to ensure proper protection is received for the officer (WAC 296-823-14030).

Hazardous waste exposure to non-intact skin (e.g., injured skin, open wound) shall be cleaned using warm water, soap and/or an approved disinfectant. It shall then be dressed or bandaged as required. Medical treatment is required in all incidents of exposure. Contaminated mucus membranes, (i.e., eyes, nose, mouth) shall be flushed with water for a period of twenty minutes.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning area or the decontamination area at Fire Station One. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area (WAC 296-823-14030).

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary purposes related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-

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handed method shall be employed to avoid a finger prick. Disposal, whenever possible, shall be into a puncture proof bio-hazard container.

All sharps and/or other items that may cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. If the material must be hand held, protective gloves must be worn (WAC 296-823-14015).

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, bandage dressings, CPR masks) shall be transported with the patient or suspect in the ambulance if possible or police vehicle if it's not possible to place the items with the patient. The waste material shall be disposed of in the same manner as stated in § 1016.3.1. Disposable gloves are to be worn while placing the waste into the waste bio-hazard container, placing the gloves worn during this process in with the rest of the waste when through (WAC 296-823-15030).

1016.3.5 DECONTAMINATION OF PPE

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a bio-hazard waste container as described in Policy Manual § 1016.3.1.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed and replaced as soon as feasible.

Contaminated reusable personal protective equipment that must be transported prior to cleaning, shall be placed into a bio-hazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the bio-hazard waste bag and during placement into the bio-hazard waste container; dispose of gloves along with the rest of the bio-hazard waste (WAC 296-823-15030).

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a bio-hazard waste bag if possible.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

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While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the official cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:10 solution of chlorine bleach while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of (WAC 296-823-14055).

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a bio-hazard waste bag and give it to the quartermaster. If the quartermaster is not immediately available, the clothing shall be placed in a secure area and a message left with the quartermaster describing the clothing, suspected contaminate and current location of the items. The quartermaster will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the department's expense (WAC 296-823-15030).

Contaminated leather boots or gloves shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boots or gloves, these items shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. If the vehicle is parked for later decontamination, it must be clearly posted on the vehicle itself. The ECO or the equipment servicer shall be notified promptly of the contaminated car, the suspected contaminant and the car's location.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection and care for the employee (WAC 296-823-160 et seq.).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

The employee shall:

A. Wash the affected area immediately with soap and water and contact your supervisor to advise them of the situation.

B. Call U.S. Health Works (747-0776) for an exposure assessment (this number may go to a paging system after-hours, so be prepared to provide a call-back number). A doctor will return your call or page within fifteen (15) minutes. There is a critical two-hour window for treatment to begin. The doctor will assess the exposure as follows:

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1. Simple Exposure; many exposures do not require further treatment than the clean-up that you have already done.
2. Significant Exposure; if the exposure has a significant probability of disease transfer, the doctor will instruct you to report to a U.S. Health Works Office or the ER at Deaconess or Sacred Heart Hospitals. You will be given a "base-line" blood test that will include testing for HIV, and Hepatitis B and C. Medical treatment options will be considered at this time.

U.S. Health Works will provide you with your test results at a follow-up appointment scheduled within the next 24 to 48 hours. They will also provide you with third-party test results when applicable.

The Centers for Disease Control provides a toll free hotline staffed 24/7 by physicians. This "post exposure prophylaxis hotline" is 1-888-448-1911. This number is available for you to call the CDC for consultation if you desire.

Contact your supervisor to complete necessary paperwork.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

A. The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information (WAC 296-823-16005):
   1. Names and social security numbers of the employee(s) exposed.
   2. Date and time of incident.
   3. Location of incident.
   4. What potentially infectious materials were involved.
   5. Source of material or person.
   6. Current location of material or person.
   7. Work being done during exposure.
   8. How the incident occurred or was caused.
   9. PPE in use at the time of incident.
   10. Actions taken post-event (clean-up, notifications, etc.).

B. The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This information is captured by the Potential Infectious Disease Exposure form. The appropriate routing of this form is located at the bottom of the report (one copy to the treating facility, one copy to the employee and one copy to the administrative sergeant (ECO)), who should then ensure a copy is forwarded to Risk Management.

C. Other supervisor responsibilities:
   1. Contact the individual whose body fluids the employee came into contact with (the "source").

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2. If the source agrees to get tested for HIV, and possibly other blood borne pathogens, transport the source to the emergency room at Sacred Heart Medical Center. Have the source read and complete the appropriate form provided by Providence Hospital. This form is needed to release the test results to the exposed employee. The hospital will perform the tests and the results will either be given to the exposed employee, or will be forwarded to the Spokane Regional Health District HIV/AIDS Program Manager who will then contact the exposed employee.

    (a) Leave a copy of the signed release form (HIV Antibody Test) with the hospital and submit the original to the City of Spokane Risk Management.

3. If the source refuses your request for a voluntary blood draw:

    (a) Contact the Spokane Regional Health District at 324-1534 during business hours and request their assistance. The Health Officer will determine whether or not a substantial exposure has occurred, and if so, will contact the source. Most always, the source agrees to testing, but if s/he refuses, a Health Order may be issued.

    (b) State law does not provide for mandatory testing of hepatitis B or C, but does provide for mandatory testing for HIV if the Health Officer agrees there has been a substantial exposure. ***Important: The testing must be conducted within seven days of the original request of the exposed party for the Health Department to assist.***

4. Ensure that the affected/exposed employee goes to Sacred Heart Hospital to request their baseline blood test for their L and I claim. The exposed employee must also give their consent to be tested for HIV. The hospital should have the needed consent forms.

    (a) Request that the blood draw be tested for Hepatitis B and C as well as HIV. L and I will pay for these tests.

    (b) Request that a tetanus shot, if needed, be given to the exposed employee.

5. Complete the necessary forms:

    (a) If the exposure was classified by U.S. Health Works or a hospital ER as a "simple exposure" (no treatment other than clean-up), complete a City of Spokane Employee Injury Report and a City of Spokane Potential Infectious Disease Exposure form.

    (b) If the exposure was classified by U.S. Health Works or hospital ER as a "significant exposure", complete a City of Spokane Employee Injury Report, a City of Spokane Potential Infectious Disease Exposure form, a Self Insured Accident Report SIF II-L&I, and a Spokane Regional Health District Request for Mandatory Testing Due to Substantial Exposure form. Fax the Request for Mandatory Testing Due to Substantial Exposure form to the Spokane Regional Health District at 324-1496 within 24 to 48 hours.

6. Forward copies of all paperwork to Human Resources for the City of Spokane and Captain and/or Division Commander of the affected employee. The SPD

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Administrative Sergeant will act as the Exposure Control Officer (ECO) and the ECO will act as the liaison for SPD and will monitor the follow-up testing that may be needed.

(a) The procedure that should be followed is:

1. Baseline assessment of exposed employee no later than within 72 hours of exposure.
2. Three (3) month follow-up testing for Hepatitis and HIV.
3. Six (6) month retesting.

(b) The reasons for the above retesting periods are that HIV always shows up within three months from the time of exposure, while Hepatitis C can take up to six months.

- Document your efforts regarding the incident. All reports will be provided to the ECO.

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to any bodily fluids should be seen by a physician (or qualified health care provider) immediately following the exposure or as soon as practicable thereafter. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination and the Communicable Disease Notification Report. The medical consultation, evaluation and treatment shall be provided at no cost to the affected employee.

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report (WAC 296-823-16005).

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation (WAC 296-823-16005).

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1016.4.5 CONFIDENTIALITY OF REPORTS

The information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

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Smoking and Tobacco Use

1018.1 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 Spokane 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.

1018.2 POLICY

The Spokane 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).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Spokane 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.

1018.4 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).

1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Office of Police Ombudsman (OPO) Involved Investigation - is defined as an IA investigation where the complaint giving rise to the investigation, whether made to the Department or the OPO, is a complaint of a serious matter (complaints that could lead to suspension, demotion or discharge) involving allegations that an employee either improperly used force or improperly/inappropriately interacted with citizens.

Personnel Complaints shall be classified in one of the following categories:

Administratively Suspended Investigation – An investigation which, after appropriate follow-up and review by the Internal Affairs Lieutenant, is not sent for review by an employee's Chain of Command or an Administrative Review Panel for one or more of the following reasons:

A. The complaining party refuses to cooperate,

B. The complaining party becomes unavailable and further contact is necessary to proceed,

C. The complaint involves the elements of a crime pending prosecution and the administrative investigation could adversely impact the criminal case,

D. The complaint involves an incident where a civil suit or claim for damages has been filed against the City and has not been resolved.

E. A minor allegation sent to the employee's supervisor for informal follow-up (i.e. driving, demeanor, response time, etc.).

F. All reasonable investigative leads were exhausted and no evidence of wrongdoing was uncovered.

Suspended Investigations may be reactivated, if the above circumstances change, in accordance with the employee's collective bargaining agreement. Suspended investigations are sent to the OPO for review.

Closed – Investigations may be classified as Closed if they meet one or more of the following reasons:

A. An allegation of misconduct that is disproven upon initial review (i.e. BWC footage or other evidence clearly disproves an allegation); and/or

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B. The accused officer leaves employment.

An allegation classified as a Closed investigation shall be deemed closed and will be in lieu of a chain of command or ARP review. Closed investigations are sent to the OPO for review.

Complaint - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Internal Affairs Unit depending on the seriousness and complexity of the investigation.

The Spokane Police Department does not accept complaints involving:

A. The elements of a criminal case which has already been before the court and resulted in a conviction or guilty plea; or

B. An active civil claim against the Spokane Police Department and/or the City of Spokane

Inquiry - Questions about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

Mediation - Is a voluntary process and an alternative to investigation, adjudication and the disciplinary process. Mediation requires agreement by both the officer(s) and the complainant.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms in a variety of languages will be readily available at the Spokane Police Department front desk, on the Spokane Police Department's Office of Accountability web page, or at the Office of Police Ombudsman.

1020.2.2 SOURCE OF COMPLAINTS

A. Department employees aware of alleged misconduct shall immediately notify a supervisor

B. Any source alleging misconduct of an SPD employee which, if true, could result in disciplinary action shall be directed to a supervisor or Internal Affairs.

C. Anyone may file a complaint directly with Internal Affairs or the Office of Police Ombudsman.

D. Anonymous complaints and third party complaints will be accepted and reviewed. Third party complaints of a minor nature will be routed to the employee's supervisor for appropriate action.

E. Third party complaints received due to information disclosed during a Public Records Request will be reviewed. Internal Affairs will make a determination as to the extent of an investigation based on the seriousness of the policy violation.

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1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, online, or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

A. When an uninvolved supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper implementation of department policy or procedure, a complaint need not be taken.

B. When the complainant's credibility appears to be unreliable, the person should be provided with a Citizen Complaint form or a supervisor may take the complaint and cite their concerns.

C. Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parent(s) or guardian(s) present and after they have been informed of the circumstances prompting the complaint.

D. Complaints that are not of a criminal nature shall be accepted by the Spokane Police Department up to one year from the date of occurrence consistent with the Spokane Police Ombudsman ordinance.

E. If the complaint is of a minor policy violation (demeanor, inadequate response, etc.) and the alleged violation can clearly be proven false by evidence (body camera footage, non-biased witnesses, etc.) available to the supervisor taking the complaint, no BlueTeam report is necessary. The supervisor should document the allegation and pertinent information in a manner that will allow him/her to access that information at a later time if needed.

F. Any complaint of a serious nature, regardless of whether the receiving supervisor believes the allegation to be false, will be documented in BlueTeam and forwarded to IA for investigation.

1020.2.4 COMPLAINT DOCUMENTATION

Complaints of alleged misconduct shall be documented by a supervisor in (BlueTeam). The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should prepare a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended, if practicable, that a recorded statement be obtained from the reporting party. A refusal by the complainant to be recorded shall not alone be grounds to refuse to accept a complaint.

1020.3 SUPERVISOR RESPONSIBILITY

In general, preliminary and follow-up investigative responsibility for some administrative complaints shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor, Internal Affairs, or Human Resources, investigate the complaint. The supervisor shall be responsible for the following:

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A. Receiving a complaint involving allegations of a potentially serious nature shall ensure that the Shift Commander is notified as soon as practicable.

B. Receiving or initiating a complaint, or conducting a preliminary investigation, shall ensure that a BlueTeam entry has been completed as fully as possible to include the names and contact information of all involved parties and witnesses, collection of evidence, photographing of alleged injuries as well as areas of non-injury, etc. The supervisor will send the complaint to Internal Affairs by the end of his/her shift. The Internal Affairs Lieutenant will determine if the allegation is criminal or administrative. If the allegation is criminal, the Internal Affairs Lieutenant will notify the Director of Strategic Initiatives and the Chief of Police. A decision will then be made as to the proper method of investigation.

C. When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor shall immediately contact the shift commander, who will make other notifications in accordance with the DSO policy, if necessary. Internal workplace complaints of this nature will be investigated by Human Resources in coordination with the department's Internal Affairs Unit. The Internal Affairs Unit will ensure that all complaints/investigations are documented, monitored, and reviewed for thoroughness and objectivity.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

The Chief of Police may elect to place an employee on administrative leave when circumstances dictate such leave to be in the best interest of the department.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

A. Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

B. An employee placed on administrative leave may be required to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.

C. An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor. The employee shall be available to the department by phone and considered in a working status from home during normal business hours, 8:00 am to 4:00 pm., Monday through Friday.

D. At the discretion of the Chief, as an alternative to administrative leave, the employee may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and to report as ordered.

E. The Chief of Police or designee is authorized to place an employee on administrative leave.

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1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

When an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. The separate administrative investigation may parallel the criminal investigation, however only after the criminal investigation and any prosecutorial review are complete or by an order of the Chief of Police will the involved officer(s) be compelled to provide a statement. No information or evidence administratively obtained from an employee may be provided to a criminal investigator.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to any other person under the law.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a police officer which has not led to a conviction. However, no disciplinary action other than non-disciplinary paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. An employee charged with a crime may be placed on unpaid layoff status in accordance with Civil Service Rules.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor, an assigned member of the Internal Affairs Unit, or the Human Resources Department, the following procedures shall be followed with regard to the accused employee(s):

A. Interviews of accused employees shall be conducted during reasonable hours, preferably when the employee is on duty. If the employee is off duty, the employee shall be compensated.

B. No more than two interviewers, and the Ombudsman if present, may ask questions of an accused employee.

C. Prior to their interview, an employee shall be informed of the nature of the investigation. If the employee is the subject of the investigation, he or she shall be given a general overview of the factual allegations in writing before the interview commences.

D. All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.

E. No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions that are narrowly tailored to establish the facts of the investigation or the employee's fitness to hold office may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing

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administratively ordered may be provided to a criminal investigator, except at the direction of the Chief.

F. Absent circumstances preventing it, the interviewer shall record all interviews of employees and witnesses. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview if requested by the employee.

G. Any employee who becomes the subject of a criminal investigation shall, prior to their interview, be notified that he/she is the subject of a criminal investigation and, further, that he/she is under no obligation to answer any questions or to remain in an interview setting involuntarily. A criminal investigation shall be interpreted as any investigation which could result in the filing of a criminal charge against the employee. Upon the completion of any criminal investigation an administrative investigation may be initiated. Any interview that is conducted as part of an administrative investigation will be mandatory for the employee.

H. All employees subjected to interviews that could result in punitive action shall have the right to have a Collective Bargaining Unit representative present at any interview. In addition, they may also have legal representation at their own expense. These representatives may participate to the extent allowed by law.

I. All employees shall provide truthful and non-evasive responses to questions posed during interviews.

J. An investigator will not ask for, nor will an employee be compelled to submit to, a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any administrative investigation.

1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be ordered to submit to a blood, breath, or urine test for alcohol and drugs as allowed by law.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process.

Employees shall have no reasonable expectation of privacy in the use of city computers, telephones, radios, and electronic devices, and, in city property including desks, lockers, file cabinets, and vehicles, provided that employees retain a right of privacy in the personal possessions contained therein. Absent permission of the employee, no locker or vehicle search (excluding regular vehicle inspections) shall be conducted unless in the presence of a bargaining unit representative. Any removed items shall be inventoried.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and follow the IA additional format.

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1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Training Failure - Deficiency in training was the cause of the alleged act.

Closed Due to Mediation - Is an alternative to the investigation, adjudication and disciplinary process.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation as required by Collective Bargaining Agreements. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed. All cases are entered and routed using BlueTeam.

(For details regarding conducting an investigation, refer to the IA SOP)

The OPO will be notified by IA within five business days of case closure of all complaints of a serious matter and all complaints originated by the OPO. The OPO, in addition to the department's written Notice of Finding letter to the complainant, may send a closing letter to the complainant. The letter may summarize the case findings.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Office of Police Ombudsman to discuss the matter further.

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1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files (Policy Manual § 1026). The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq.; RCW 70.02).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained in accordance with Washington State Retention Guidelines in coordination with a representative of the Washington State Archives.

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.

1020.8.2 ADMINISTRATIVE REVIEW PANEL

The Administrative Review Panels (ARP) will be chaired by a captain. The panel will be comprised of captains and/or lieutenants.

Responsibilities of the panel:

This panel has review/recommendation authority as well as the authority to direct additional investigation by Internal Affairs into specific facets of the case. Review/recommendation responsibilities will include reviewing the investigation for thoroughness and objectivity.

Process:

A. Internal Affairs will forward the investigation to the ARP group for review.

B. Each member individually reviews the report.

C. The panel chair convenes a panel of the ARP group and reviews the opinions of the panel and discusses any outstanding issues.

D. The panel develops a memo, documenting the findings of the ARP group. All concurring panel members sign the memo. Panel members who have a dissenting opinion will develop and submit a separate memo outlining their findings and/or recommendations.

E. The panel chair submits the ARP memo to Internal Affairs via BlueTeam.

F. Internal Affairs forwards the BlueTeam to the Assistant Chief and Chief of Police for review and/or administration of discipline or Loudermill hearing.

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G. Panel members should also include in their analysis any tactics, decision-making processes, or policy violations outside uses of force as appropriate. Any dissenting opinions should also be memorialized in a separate memo included in the ARP findings and attached to the BlueTeam.

The process for a deadly force incident ARP (D-ARP) will be the same as stated above, except that the Director of Strategic Initiatives and the Ombudsman will be invited to attend and observe D-ARP meetings. The findings and final recommendations will be the exclusive role and responsibility of the D-ARP group. The Director of Strategic Initiatives and the Ombudsman will not participate in deliberations. Should the Director of Strategic Initiatives or the Ombudsman not be available for the scheduled D-ARP, the D-ARP will not be delayed.

ARP and D-ARP members, including the Director of Strategic Initiatives and Ombudsman will preserve the integrity of the process by maintaining the confidentiality of the complaint, panel discussions and the investigative case file.

1020.8.3 OFFICE OF POLICE OMBUDSMAN

A. The Office of Police Ombudsman (OPO) will provide a professional presence to help ensure a quality investigation in real time, and visible, independent oversight to reassure the public.

B. See Spokane Municipal Code 04.32, Office of the Police Ombudsman, and the Guild Contract for information regarding the OPO, the Spokane Police Department and internal investigations.

1020.8.4 MEDIATION

Mediation is an alternative to investigation, adjudication and the disciplinary process. The OPO will have the opportunity to make a recommendation for mediation to the Chief of Police, prior to investigation. In the event the department, the complainant and the officer all agree to mediation, that process will be utilized rather than sending the matter on for investigation. Assuming the officer participates in good faith during the mediation process, the officer will not be subject to discipline and no disciplinary finding will be entered against the officer. Good faith means that the officer listens and considers the issues raised by the complainant, and acts and responds appropriately. Agreement with either the complainant or the mediator is not a requirement of good faith. In the event an agreement to mediate is reached and the complainant thereafter refuses to participate, the officer will be considered to have participated in good faith.

1020.9 ANNUAL REVIEW AND ANALYSIS OF COMPLAINTS

An annual review and analysis of all internal investigations shall be conducted by the Office of Professional Accountability and approved by the Chief of Police. Any policy, procedure, training and/or personnel issues that are identified during this review process shall be addressed.

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Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all employees operating or riding in department vehicles (RCW 46.61.688, RCW 46.61.687).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear available, properly adjusted safety restraints when operating or riding in department owned, leased, or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including non-employees, in the vehicle he/she is operating are in compliance with this policy.

It is the intent of this policy that all employees wear seat belts whenever possible however, sworn officers may dispense with wearing safety restraints for specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

All non-employees occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit equipped with seatbelts shall wear available safety restraints if available unless physical conditions or officer safety considerations would prevent such from being applied or dictate otherwise.

1022.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law. In the event an appropriate approved child safety restraint system is not available the child may be transported by sworn personnel however the child should be restrained in a seat belt (RCW 46.61.687(1)).

The rear seat passenger area in cage-equipped vehicles has reduced clearance which may interfere with the proper use of child safety restraint systems. Because of limited rear seat clearance in these vehicles, children and child restraint systems should be properly secured in the front seat according to the manufacturer's recommendations. Whenever a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated if possible. In the event this is not possible, alternative transportation should be considered.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by safety belts (when

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available) in a seated position. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which any safety belt in the driver's seating position is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and not without the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Spokane Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Spokane Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-issued or approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) The department encourages the wearing of body armor by any volunteer or person engaging in a ride along in a department patrol vehicle.

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Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to employee personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of personnel records pursuant to the exemptions listed in subsections of RCW 42.56 and other state and federal laws.

1026.2 PERSONNEL FILES DEFINED

Personnel records shall include any file maintained under an individual employee's name relating to:

A. Personal data, including marital status, family members, educational and employment history, or similar information.

B. Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

C. Election of employee benefits.

D. Employee advancement, appraisal, or discipline.

E. Complaints, or investigations of complaints, concerning an event or transaction in which the employee participated, or which the employee perceived, and pertaining to the manner in which the employee performed official duties.

F. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of an employee's employment with this department.

Shift File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

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Civil Service File - Those files which are maintained separately and exclusively by the City Civil Service Department.

Human Resources File - Those files which are maintained separately and exclusively by the City Human Resources Department.

Pre-employment employee files, including background information, psychological, and polygraph results, will be maintained in the office of the Chief of Police or his/her designee or by the Human Resources Department. Such files shall be kept separately from other employee files.

All employee records will be secured and available only to persons authorized to access such information.

1026.4 CONFIDENTIALITY OF ALL 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 Chief Operating Officer, City Attorney, or other attorneys or representatives of the City in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes (RCW 42.56.070).

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.

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2. Personnel complaint investigations after such investigations have been completed or are no longer under review or deliberation.
3. Department reports to CJTC regarding the separation from employment of an officer.

When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the subject employee is protected from public disclosure. In such cases, the Records Manager shall ensure that the name and other identifying information of the subject employee is redacted before the document or documents are released.

All requests for the disclosure of any information contained in any officer's personnel record shall be documented in writing and promptly brought to the attention of the employee's Division Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved employee or written authorization of the Chief of Police or his/her designee.

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

1026.6 EMPLOYEE ACCESS TO OWN FILE

Employees may be restricted from accessing files containing any of the following information:

A. Background information, letters of recommendation, test results, and promotional assessments.

B. Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline, consistent with applicable law.

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C. Confidential portions of Internal Affairs files which have not been sustained against the employee.

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command and the department will forward a copy to the City Civil Service department and City Human Resources department. The department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file (RCW 49.12.250).

1026.7 TYPES OF PERSONNEL FILES

Employee personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The department file should contain, but is not limited to, the following:

A. Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.

B. Disciplinary action;

1. Disciplinary action resulting from sustained findings. Findings will be maintained in personnel files as per employee Collective Bargaining Agreements.

2. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

C. Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).

D. Personnel Action Authorization forms reflecting assignments, promotions and other changes in the employee's employment status.

E. A photograph of the employee.

1026.7.2 DIVISION FILE

The shift file should contain, but is not limited to, the following:

A. Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations shall be transferred into the shift file within 30 days.

1. All materials intended for this interim shift file shall be discussed with the employee prior to being placed in the file.

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2. Duplicate copies of items that will also be included in the employee's department file such as internal affairs finding notices, commendations, etc., may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
4. Shift files shall be purged of all material that exceeds two years, plus the current PAR rating period.

B. All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE

All internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Internal Affairs Unit. These files shall contain:

A. The complete investigation of all formal complaints of employee misconduct regardless of disposition
   1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 10-01, 10-02). The case file information shall be logged into IA Pro.
   2. All investigative files shall be maintained for six years plus the current calendar year after the disposition of the case is resolved.

B. Investigations which result in other than a sustained finding shall be maintained under the same guidelines.

C. Additional files that are stored in the Internal Affairs office, including inquiries, collision reviews and use of force reports shall be maintained for six years plus the current calendar year. Personnel names will not be attached to the index information stored in IA Pro after the retention period of six years plus the current year.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Police Academy 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 Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.

B. The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the employee’s training file.

1026.7.5 MEDICAL FILE

The Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee’s medical condition and history, including but not limited to the following:

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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.

1026.8 STORAGE OF EMPLOYEE PERSONNEL FILES

All SPD personnel files shall be stored digitally in the On-Base document imaging system. Beginning in June 2016, all existing paper files will be converted, verified, categorized, and retained in the electronic document management system. After each existing paper document is scanned and verified all existing paper files will be destroyed and recorded in the destruction log, in accordance with City Policy.

1026.8.1 STORAGE OF NEW DOCUMENTS

All new documents forwarded to the SPD Personnel Office for inclusion in an employee's personnel file will be scanned into the imaging system and the original copy will be destroyed. Any new documents received that are designated non-archival will be scanned immediately into the On-Base document imaging system, the image will be verified, and the original document(s) will be destroyed. A destruction log is not required for non-archival materials in accordance with state standards and WAC 434-663. The conversion of the original documents into an electronic format is not the destruction of the record itself since the resulting image will be retained in accordance with retention requirements.

1026.9 PURGING OF FILES

Personnel records shall be maintained and may be destroyed as specified in the current Records Management Guidelines and General Records Retention Schedules (Schedule Number L02 and L03). The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management (RCW Chapter 40.14).

A. Each supervisor responsible for completing the employee's performance evaluation will forward the original document to the police personnel department. Retention will be in accordance with the aforementioned retention guidelines.

B. Approval for such retention beyond the guidelines shall be obtained through the chain of command from the Chief of Police.

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Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Major.

1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Major of the employee involved. In the case of patrol officers, the Shift Commander must comment on the request with his/her recommendation before forwarding the request to the Major. If the Shift Commander does not receive the Change of Assignment Request Form, the Major will initial the form and return it to the employee without consideration.

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Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 SPECIAL AWARDS

Medal of Valor - The Medal of Valor is the highest recognition of achievement presented by the Spokane Police Department. The Medal of Valor shall be awarded to department employees who distinguish themselves with extraordinary acts of bravery or heroism above and beyond that which is normally expected in the line of duty. Employees must have displayed extreme courage by placing their own safety in immediate peril in the pursuit of their duties.

Purple Heart - The Purple Heart shall be awarded to department employees who receive a wound or injury of a degree necessitating hospitalization or the immediate care of a physician. This injury must be of a serious nature capable of causing death or extended disability. To qualify for this award, the wound or injury must have appeared to have been caused by the deliberate actions of another in an attempt to cause injury to the employee or some other person, thing, or property; or in the attempted apprehension of said person; or in an attempt to save a human life placing oneself in immediate peril.

Silver Star - The Silver Star shall be awarded to department employees who have displayed courageous actions, which were above and beyond that which is normally expected of an employee. These acts of courage do not rise to the level of the voluntary risk of life requirements for the Medal of Valor, but are displays of exemplary acts of bravery.

Lifesaving Medal - The Lifesaving Medal shall be awarded to department employees who, by their immediate actions, have saved a human life under unusual and/or extraordinary circumstances. The action must have been personally performed by the employee. The life-sustaining action must be confirmed by a competent authority.

Distinguished Service Medal - The Distinguished Service Medal (DSM) is awarded to employees who have demonstrated outstanding sustained and exemplary performance along with diligence and devotion to duty. The performance should exceed normal demands required or expected over an extended period of time. Recipients must have at a minimum, ten years of service with the Spokane Police Department to be eligible for this award. Additionally, employees may only be considered at a minimum of every ten years after the initial award of the DSM. This time requirement is in keeping with the spirit of the award being given for service "over an extended period of time."

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Medal of Merit - The Medal of Merit shall be awarded to department employees who distinguish themselves by meritorious achievement. The meritorious achievement can be for a single exceptional act or a series of actions completed in order to accomplish a difficult project or program that brings credit upon the department either internally, externally or both.

Chief's Citation - The Chief's Citation shall be awarded to the members of a team or unit for participating in an incident, event, or series of events or project, which has a substantial positive impact on the community or the police department. The incident, event, or series of events or project will be superior in nature and further the department's mission and overall effectiveness.

Community Service Medal - The Community Service Medal is awarded to employees for an act or achievement in the community beyond the normal call of duty which brings credit to the Spokane Police Department or the City of Spokane. Such act or achievement has come about due to voluntary action for which the employee received no compensation.

1030.3 EMPLOYEE OF THE QUARTER

Each unit will establish its own process for making nominations to their division commander. Division commanders will submit nominations through their chain-of-command to their Major. Each Major will submit one nomination to the Assistant Chief for submission to the Awards Committee.

The nominations may be based on one of the following criteria:

- A specific act of unusual meritorious service.
- A specific project of significance to the community, city, or department.
- Sustained superior performance of assigned duties.

The Employee of the Year will be selected from the four Employees of the Quarter.

1030.4 OUTSIDE AWARDS

When an officer receives a law enforcement award from outside the department, a memorandum will be forwarded to the Chief of Police requesting authorization to wear the award on the uniform. A photocopy of the award shall be attached to the memorandum.

The memorandum will explain the source of the award, how it is related to law enforcement, and a proposal on how the award will be worn.

The Chief of Police will respond in writing approving or denying the request. A copy of the request and approval/denial will be placed in the individual's department personnel file. No awards will be worn on the uniform without the approval of the Chief of Police.

1030.5 WEARING OF MEDALS, BARS, PINS, AWARDS

MEDALS

Medals are awarded for the following, the first being the highest honor by SPD in this order:

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- Valor
- Purple Heart
- Silver Star
- Life Saving
- Distinguished Service
- Medal of Merit
- Chief's Citation
- Community Service

Bars are awarded for all the above plus the following:

- Employee of the Year
- Employee Of the Quarter
- City Employee of the Month

Pins are also worn on the uniform above the awards.

- Weapon Classification
- SWAT
- TAC
- FTO
- HNT
- CIT
- K-9
- EDU
- Graduation Pins for different schools

Receiving and wearing all of the above bars and pins may be worn on the Class A Uniform in the order below after they have been presented the award at the Annual Award Ceremony:

- Bars will become a permanent part of the Class A Uniform (Pins are optional);
- Bars are to worn on the right side on the uniform shirt and centered above the name tag;
- If you have two bars, they will stacked the highest award on top;
- If you have three bars you will be issued a slide bar which hold three side by side, the highest being worn nearest the center of your chest;

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- If you have four or more awards you will be issued the accommodating slide bars to be worn 3 to the bottom and upward, the highest awards being on top and closest to the center of your chest.

STATE OF WASHINGTON MEDAL: The State Medal of Honor shall be the highest award given an employee of the Spokane Police Department. This bar will be worn ahead of all others and will comply with the rules established in the above section.

1030.6 AWARDS COMMITTEE

The Awards Committee shall consist of one representative of the Chief's office (Committee Chair), one representative from the Captains/Lieutenants Association, one representative from the Police Guild, one representative from Local 270, and one representative from the Police Advisory Committee. The committee shall establish its own procedures for voting and conducting business. The committee shall consider nominations for awards, and Employee of the Quarter and Year. Committee members shall be responsible for:

- Verifying the nomination documents.
- Conducting fact finding investigations when necessary, to include interviewing the nominator.
- Ensuring that the nomination documentation meets the criteria of the award.
- Forwarding their recommendations to the Chief of Police for final approval.

Medal of Valor awards require a unanimous vote, and other awards a simple majority.

Recommendations for all employee awards will be submitted through the employee's chain of command. An electronic copy will be sent via email to the Assistant Chief.

All Medal of Valor recipients shall be considered for submission to the State of Washington for the Medal of Honor. The committee shall use the guidelines outlined under the state criteria for all of their recommendations for state awards. All Medal of Valor recipients shall be considered for submission to the International Association of Chiefs of Police (IACP) for the IACP Officer of the Year award. The committee shall use the guidelines outlined under the IACP criteria for all of their recommendations for IACP awards.

1030.7 ANNUAL AWARDS CEREMONY

- In the first quarter of each year, a formal presentation of awards will take place. The ceremony will be for family, friends, city officials, department officials and personnel, and the media.
- The presentation will be made by the Chief of Police, who will offer a synopsis of the event(s) giving rise to the honoring of the individuals.
- The Employees of the Quarter will be present, and the Employee of the Year will be selected from the four quarterly winners.

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1030.8 RETIREMENT NOTIFICATION/PLAQUES/CEREMONY

A. The Spokane Police Department will conduct a retirement ceremony for all employees retiring from the department. The unit commander should be notified by the employee at least 30 days prior to the date of retirement in order to prepare for the ceremony.

1. The ceremony will be organized, arranged, and conducted by the employee's unit commander.

2. If the employee declines the opportunity for a formal ceremony, he/she will receive his/her retirement credentials from the Police Personnel Unit at his/her convenience.

B. Each retiring officer will receive a plaque, retirement badge, credentials, and carrying case.

C. Each retiring non-commissioned employee will receive a plaque.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all employees of this department remain fit for duty and able to perform their job functions. Nothing in this policy is intended to negate the department's reasonable accommodation responsibilities as required by law.

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

(b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee’s legal rights.

(d) In conjunction with the Major or employee’s available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1032.4 RELIEF FROM DUTY

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1032.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

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(g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

1032.6 LIMITATION ON HOURS WORKED

To protect the health and welfare of employees and the department, supervisors and employees should provide for reasonable rest periods between shifts. Where the supervisor and employee determine that the employee is not sufficiently rested to work safely and effectively, the employee should be relieved to off-duty status. If the employee is not sufficiently rested owing to volunteering for extra duty, off-duty, etc., the employee shall be required to use accumulated leave time for time lost during the rest period. If the employee is not sufficiently rested owing to the needs of the department, the employee shall be granted administrative leave for any time lost during the rest period. If the supervisor and employee dispute whether the employee should be relieved to off-duty status or the reason therefore, the dispute shall be immediately referred to the duty staff officer and the Guild president or designee for resolution. Any remaining dispute should be referred to the grievance procedure for resolution.

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Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

Meal periods and breaks shall be governed by respective Collective Bargaining Agreements and work unit standard operating procedures.

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Lactation Break Policy

1035.1 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.

1035.2 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).

1035.3 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 Combined Communications Center 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.

1035.4 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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1035.5 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 Procedures

1036.1 PURPOSE AND SCOPE

Time other than normal work shift is entered into Telestaff for payroll purposes.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME ENTRY IN TELESTAFF

Employees are responsible for the accurate and timely entry of time in Telestaff for supervisor approval. Supervisors are responsible for approval of time entered in Telestaff in a timely manner.

1036.1.2 PAYROLL PROCEDURES (TELESTAFF)

Telestaff is used as a scheduling function and payroll function. Telestaff is the primary record for all authorizations of time off, overtime, and regular time.

All entries made into Telestaff will be finalized two days after the start of a pay period at 10:00 AM and then continuing on every two days. Exceptions may be needed during holiday periods.

An "OnBase Payroll Correction" process will be used for any changes needing to be made in Telestaff after a three day window has elapsed from the time of entry. The OnBase process requires a supervisor to complete and submit the form. The form is forwarded to payroll to be processed. Upon receipt of the form, payroll will then forward the form to the Administrative Captain for final approval.

1036.1.3 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays.

1036.2 RECORDS

The Pay Summary Reports are signed by the Chief or his/her designee, and then sent to City Payroll with a copy maintained in Police Payroll. Police payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the department to compensate non-exempt salaried employees who work authorized overtime by payment of wages and compensation as agreed and in effect through the Collective Bargaining Agreements.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Compensatory time shall be administered in compliance with Collective Bargaining Agreements.

1038.2 REQUEST FOR OVERTIME PAYMENT

Employees shall enter all overtime in Telestaff for approval by their immediate supervisor. When the immediate supervisor is not available, another unit supervisor may make the approval. Exceptions are grants and specialties, which will be submitted by arrangement.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall enter time in Telestaff immediately after working the overtime.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status.

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Extra Duty and Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. In all cases of extra duty and outside employment, the primary duty and obligation of an employee is at all times to the department. The employee and the department shall avoid extra duty or outside employment that would tend to lower the dignity of the police profession or involves actual or apparent conflicts of interests. This policy pertains to both commissioned, non commissioned, and temporary/seasonal employees of the department. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Extra Duty Employment - This entails officers working law enforcement or security related assignments whether in uniform or not. All officer assignments will come through the Office of Special Events/Extra Duty Employment. Assignments for work details will be scheduled in accordance with extra duty employment standard operating procedures and applicable collective bargaining agreements.

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1040.1.2 LIMITATIONS ON EXTRA DUTY AND OUTSIDE EMPLOYMENT

On duty restrictions: Employees shall not engage in extra duty or outside employment while on duty.

On call restrictions: For purposes of eligibility for extra duty assignments, an employee who is "on-call" is not deemed eligible for such assignment.

Soliciting employment: Employees shall not solicit or accept outside/extra duty employment under the pretext that the City of Spokane requires police employees to be used for a particular function or that the outside employer will receive better police service if the employer is known to employ police employees.

Ability to perform: Employees shall not engage in outside employment that adversely impacts their ability to perform duties as police department employees.

Uniform: Employees will be in full duty uniform for the extra duty shift, unless specifically directed otherwise by the Special Events Office.

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Primary obligation: Employees are subject to call by the department at any time for emergencies, special assignment, or overtime duty. Outside employment shall not infringe on this obligation.

Misuse of authority: Employees shall not misuse the authority of their office while engaged in extra duty or outside employment.

Duty status: An employee engaged in authorized extra duty employment of a police nature is considered to be in an on duty status. Officers shall not engage in extra duty work if they are on injured or light duty status with the department.

Cancellations: A committee consisting of a representative assigned by the Guild president and the extra-duty employment coordinator will develop a procedure for cancellations of extra-duty assignments. If the committee cannot reach agreement, any dispute will be resolved by the Guild president and Chief of Police.

Failure to report for duty: If an employee fails to follow the established cancellation procedure, the same procedures will apply that pertain to unexcused absence or tardiness for regular duty. The employee working extra duty is on duty in the employ of the Spokane Police Department under the contracted agreement through the department and as such is subject to the same provisions as other duty assignments. Violations will be reported through the Special Events chain of command.

Compensation to employees: Employees shall be compensated by the city and shall not accept compensation directly from any extra duty employer, and shall accrue all benefits in accordance with law and collective bargaining agreements. Officers shall not enter into their own contracts for such services.

Use of city equipment: City equipment utilized by employees during extra duty employment may be charged to the outside extra duty employer. Generally, police vehicles will be a contract item, unless it is determined to be in the best interest of the City of Spokane. The Special Events Office will determine the costs associated with the equipment and the appropriateness of utilizing police vehicles during such employment.

Law enforcement obligation: Employees engaged in extra duty employment are expected to discharge all duties of their office, to enforce all laws and ordinances, and to adhere to all department policies and procedures.

Supervision: Whenever an outside extra duty employer requests four or more employees to work an extra duty assignment, a supervisor may also be required to direct the employees' activities. When employees are working at an extra duty assignment without permitted supervision, the employees are responsible to the on duty Uniform Division Shift Commander.

Volunteering of time: Officers are not allowed to donate time in uniform or of a law enforcement nature, when that function is similar to duties performed for the Spokane Police Department.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any extra duty or outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for

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outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for extra duty and outside employment, the employee must complete an Extra Duty or an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved authorization. Employees shall not engage in outside/extra duty employment during the initial probation period (entry-level) without written approval of the Chief of Police. Unless otherwise indicated in writing on the approved authorization, an outside employment authorization will be valid through the end of the calendar year in which the authorization is approved. Any employee seeking to renew a permit shall submit a new outside employment application in a timely manner. An authorization to work extra duty does not require yearly renewal.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the employee's current collective bargaining agreement.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any extra duty or outside employment authorization may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as below acceptable standards, the Chief of Police may, at his/her discretion, suspend or revoke any previously approved extra duty and/or outside employment authorization(s). The suspension or revocation will stand for a set period of time. At the completion of this set time, the employee may apply for reinstatement of privileges. Satisfactory job performance and the recommendation of the employee's immediate supervisor are required.

(b) Suspension or revocation of a previously approved extra duty and/or outside employment authorization may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment authorization, an employee's conduct or outside employment conflicts with the provisions of department policy, the authorization may be suspended or revoked.

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(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment authorization may be rescinded until the employee has returned to a full duty status.

(e) Or, if conflict occurs in police duties.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

(a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this department may engage in any outside employment as a private security guard, private investigator, loss prevention agent, bodyguard, bail enforcement agent, or other similar private security position.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates his/her outside employment during the period of a valid 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.

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Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Spokane Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1042.2 POLICY

The Spokane Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to the police payroll office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Injured employees shall be provided a Self-Insurer Accident Report (SIF-2) form F207-002-000 (WAC 296-15-320(2)).

1042.2.2 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor. If the employee's immediate supervisor is unavailable, it shall be reported to the supervisor in charge.

Any employee witnessing a work related injury or illness, shall fill out the Witness Statement form.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

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Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the department.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

All employees are required to fully cooperate with accident investigations in accordance with collective bargaining agreements.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office. Employees who request a Self-Insurer Accident Report (SIF-2) form F207-002-000 shall be provided the form (WAC 296-15-330(2)). The supervisor will review all forms submitted by the employee. They will also ensure that appropriate forms are filled out and submitted to the police payroll office within 48-hours following injury.

For work-related accidents, injuries, and illnesses not requiring professional medical care, an Employee Injury Report form shall be completed in triplicate. All copies of the completed form shall be forwarded through the chain of command to the Major.

When an accident, injury or illness is reported initially on the "Employee's Injury Report" form and the employee subsequently requires professional medical care, the State of Washington "Self Insurer Accident Report (SIF-2)" form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded through the chain of command and police payroll as soon as they are completed.

1042.2.5 MAJOR RESPONSIBILITY

The Major receiving a report of a work-related accident, injury or illness should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1042.2.6 CHIEF OF POLICE RESPONSIBILITY

Police Payroll shall review and forward copies of the report to the Human Resources Department and retain one copy in the employee's personnel file.

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1042.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on an Employee's Injury Report form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the city, and/or other insurers are entitled to recover civilly. To ensure that the city's interests are protected and that the employee has the benefit of the city's experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written memorandum of this contact to his/her supervisor as soon as possible, which shall be forwarded through the chain-of-command to Risk Management.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

All settlements will be coordinated through Risk Management and/or the city legal department.

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Light Duty

1043.1 PURPOSE AND SCOPE

The department will attempt to assign employees to available work when an employee is temporarily disabled from performing his/her regular duties and is released by his/her physician for temporary light duty assignment. It is the department's policy that there are no permanent light duty assignments.

1043.2 ELIGIBILITY FOR ASSIGNMENT

Non-commissioned employees:

City Policy HR-27 governs non-commissioned employees' temporary light duty. Employees governed by HR-27 shall notify their immediate supervisor of their intent to request light duty and shall keep their immediate supervisor informed of any changes to their light duty status or work assignment. Commissioned employees:

Collective bargaining agreements and the LEOFF I Pension Board governs temporary light duty for commissioned officers.

1043.3 REPORTING

Commissioned supervisors who become aware of employees with an L&I injury will notify the administrative sergeant and Payroll by the end of the shift by e-mail of such injury and the possible need for light duty.

Commissioned employees will notify the administrative sergeant as soon as possible as to their light duty status. In order to accommodate the varying light duty schedules, the employee shall notify the administrative sergeant on the date cleared by the physician. The employee will ensure the following documentation is completed prior to assignment:

- Have his/her doctor complete a City of Spokane Risk Management Physician Disability Statement. The form includes restrictions, medications, etc.
- Submit the City of Spokane Risk Management Physician Disability Statement, and the letter to the Office of the Chief of Police
- Prior to returning to full duty, provide the administrative sergeant with a new City of Spokane Risk Management Physician Disability Statement (with the "may return to full duty on" dated and signed by your physician).

The employee shall keep the administrative sergeant apprised of any changes in condition (faster than anticipated recovery time, upcoming surgery, etc).

While assigned to a light duty assignment, employees shall notify their immediate (light duty) supervisor if a specific task may cause re-injury or unreasonable discomfort.

The administrative sergeant shall:

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- ensure that appropriate paperwork is completed and will maintain an employee light duty file in the administrative sergeant's office. The file will serve as a central repository for all light duty issues pertaining to a given employee, including assignment, updated status and return to full duty information.
- ensure that the light duty employee is assigned to an available position consistent with medical restrictions and the 'Light Duty Positions/Assignments' priorities set forth by the Office of the Chief of Police.
- advise the Office of the Chief of Police two weeks prior to the six-month limit of the light duty assignment.

Unit managers shall ensure that all appropriate payroll forms are completed pertaining to the light duty employee. Managers will keep the administrative sergeant apprised of any related condition or work status changes affecting the employee.

1043.4 LIGHT DUTY ASSIGNMENTS

Light duty assignments will be limited to duties and activities that are in compliance with the attending physician's directions and restrictions.

Assignments will be made by the Assistant Chief.

All issues and assignments regarding light duty are to be coordinated through the light duty sergeant. This includes all officers regardless of present rank or assignment.

Light duty assignments are based upon departmental need. Unit managers to which the employee is assigned will determine the shift and days off.

Supervisors shall minimize the risk of re-injury to light duty employees in any way possible.

Employees assigned to light duty will not drive police vehicles equipped with emergency equipment. Any light duty assignment where the temporary use of a city vehicle is required for completion of the assigned task will first be cleared by the Major.

While on light duty, employees will not be in an "on-call" status (SWAT, hostage negotiator, collision investigator, etc.).

While on light duty, employees are considered “non-essential” and are not authorized to work over time or holiday without the approval of a Major.

While on light duty, employees will not work an extra-duty assignment.

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Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be pulled back away from face as not to obstruct vision.

1044.2.2 MUSTACHES

Mustaches must be kept neatly trimmed and will not exceed the upper boarder of the lip or more than ¼ inch beyond the corners of the mouth. Mustaches must follow the natural arch of the mouth. Handlebar mustaches are not allowed.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 BEARDS

Beards or a growth of whiskers shall be permitted only for medical or bona fide religious reasons, or when required by the nature of the assignment. Non-uniformed officers may wear a beard. This beard will present a professional appearance. The concerned commanding officer shall determine the appropriateness of a beard. Beards are not allowed for uniformed officers, however goatees are allowed. Goatees must follow the natural arch of the mouth and may not extend more than ¼ inch below the bottom of the chin.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Uniformed female officers wearing nail polish shall use a conservative shade, without decals or ornamentation, and shall not detract from uniform appearance.

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1044.2.6 JEWELRY, BODY PIERCINGS/ALTERATIONS, AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Visible body piercings shall not be worn by uniformed employees without permission of the Chief of Police or his/her designee. Only one ring set may be worn on each hand of the employee while on-duty.

Body alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

A. Tongue splitting or piercing.

B. The complete or transdermal implantation of any material other than hair replacement.

C. Abnormal shaping of the ears, eyes, nose or teeth.

D. Branding or scarification.

1044.3 TATTOOS
While on duty or representing the department in an official capacity, tattoos or body art shall not be visible:

- On or above the neck line or any visible portion along the neck area
- Below the wrist (on the hand)
- On the ankle or below (on the foot)
- On the legs
- While wearing the department Class A uniform
- When restricted by the Chief of Police for a Special Event, for the duration of that event
- When attending court proceedings (POL 348.5.2 Courtroom Attire)

Officers may have one ring tattoo on each hand, below the joint of the bottom segment (portion closest to the palm) of the finger.

Captains and above will have the authority to prohibit the display of tattoos that in their judgment indicate a bias, are distasteful, or do not project the desired image of the Spokane Police Department. The decision shall be final.

The Chief of Police reserves the right to revert back to the original policy minimizing the visibility of tattoos (date of 03/16/17). If that were to occur, those employees who purchased additional tattoos or body art under this policy will be under a “grandfather” clause.

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1044.4 EARRINGS

Female officers may wear earrings that do not present a safety hazard. Earrings must be a post with a safety back and shall be no larger than a 1/4 inch in diameter. Earrings shall not display graphic images, pictures, or slogans of an offensive nature or religious symbolism. Earrings shall be limited to one earring per ear.

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Personal Appearance Standards - Civilian Employees and Volunteer Members

1045.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees and volunteers shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and their assignment.

1045.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present safety issues, the following appearance standards shall apply to all civilian employees and non-commissioned volunteers, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

Commissioned members will follow the Personal Appearance Standards set forth in Policy 1044.

1045.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For uniformed male members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

Uniformed female members must have hair pulled back away from the face as not to obstruct vision.

1045.2.2 MUSTACHES

Mustaches must be kept neatly trimmed and will not exceed the upper border of the lip or more than ¼ inch beyond the corners of the mouth. Mustaches must follow the natural arch of the mouth. Handlebar mustaches are not allowed.

1045.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1045.2.4 BEARDS

Non-uniformed male members may wear a beard or goatee. Beards and goatees will present a professional appearance. Beards and goatees must follow the natural arch of the mouth and may not extend more than 1/4 inch below the bottom of the chin. The concerned commanding officer shall determine the appropriateness of a beard.

1045.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard. For this reason, fingernails shall be trimmed so that no point of the nail extends more than 1/4 inch beyond the tip of the finger. Uniformed female members fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Uniformed female members wearing nail polish shall

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use a conservative shade, without decals or ornamentation and shall not detract from uniform appearance.

1045.2.6 JEWELRY, BODY PIERCINGS/ALTERATIONS, AND ACCESSORIES
Jewelry, if worn around the neck, shall not be visible above the shirt collar when in uniform. Visible body piercings shall not be worn by uniformed members without permission of the Chief of Police or his/her designee. Only one ring set may be worn on each hand of uniformed members while on-duty.

Body alteration to any area of the body that is visible and is a deviation from normal anatomical features and which is not medically required is prohibited except as outlined in this policy or with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting.

(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.

1045.3 TATTOOS

While on duty or representing the department in any official capacity, tattoos or body art shall not be visible while wearing the uniform of the day or business attire.

The office of the Chief is in agreement with the Spokane Police Guild, and Lieutenant's and Captains' Association that a "grandfather" clause is appropriate for members with existing tattoos. Members who have tattoos that are visible while wearing the uniform of the day or business attire, upon implementation of this policy revision, will be "grandfathered" and considered to be within policy (effective date of agreement July 1, 2003).

1045.4 EARRINGS

Uniformed female members may wear earrings that do not present a safety hazard. Uniformed female members wearing earrings must wear earrings that are a post with a safety back and shall be no larger than ¼ inch in diameter. Earrings for uniformed members shall be limited to one earring per ear.

All members wearing earrings shall only wear earrings that do not display graphic images, pictures, or slogans of an offensive nature or religious symbolism.

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Spokane Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 348.52 - courtroom attire.

Section 700 - department owned and personal property.

Section 1024 - body armor.

Section 1044 - grooming standards.

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

Wearing of uniforms:

A. All members serving in a uniformed capacity shall be issued 1 pair of uniform pants, 1 long sleeve uniform shirt and 1 short sleeve uniform shirt.

B. Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

C. 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.

D. Personnel shall wear only the uniform specified for their rank and assignment.

E. The uniform is to be worn in compliance with the specifications set forth in the uniform specifications.

F. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

G. Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or authorized events.

H. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

I. Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

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J. Mirrored sunglasses will not be worn with any department uniform. Sunglasses should be of a conservative shade that would not detract from the uniform.

K. Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.

1. Wrist watch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand.
3. Medical alert bracelet.
4. Conservative bracelet/band/electronic device. A maximum of one bracelet/band/ electronic device per arm.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The department issues each employee official department identification cards bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of a department issued identification card at all times while on duty or when carrying a concealed weapon.

A. Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

B. Officers working specialized assignments may be excused from the possession and display requirements when directed by their Unit Commander.

C. All members of the department shall display official department identification or badge when within the secured areas of the Public Safety Building.

1046.3 UNIFORM SPECIFICATIONS

Dress Uniform:

Spokane Police Department Class A dress uniform blouse conforming to the Uniform and Equipment Guide:

- Fly Cross

The Class A uniform blouse shall be worn with regulation trousers. It is not designed to be worn with a duty belt.

Dress Uniform, Honor Guard:

Spokane Police Department Honor Guard dress uniform is available through local distributors as a custom made item. The Honor Guard dress blouse shall be worn with the Honor Guard dress trousers (with one inch medium blue strip on outside side seam), patent leather "Sam Browne" belt with shoulder strap, and traditional eight-point visored hat. All officers serving on the Honor Guard are required to have an Honor Guard dress uniform. The Honor Guard dress uniform shall be worn only by members of the department's Honor Guard.

Class A Uniform:

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The Spokane Police Department Class A uniform is a long sleeve wool uniform shirt worn with wool uniform pants; gold or silver, as appropriate, SP's on the collar and tie.

This uniform shall be worn for dress functions; funerals; court; formal occasions; and as directed by the Chief.

Class B Uniform:

The Class B uniform consists of a long sleeve wool (no tie/open collar) or short sleeve wool uniform shirt and wool uniform pants; gold or silver, as appropriate, SP's on the collar.

This uniform may be worn for regular duty as desired (Patrol, Administration, etc.) any time of the year.

Class C Uniform:

The Class C Uniform consists of a black polo shirt and cargo-style pants (approved colors are tan, brown, khaki, olive green, charcoal gray, and dark navy). Rank (optional) and name to appear on right, upper side of the shirt and the appropriate gold or silver cloth badge on the left, upper side.

The Class C Uniform shall be optional attire for members of police administration, police training personnel or other police personnel authorized by the Chief of Police. Class C uniforms may be worn for public meetings unless otherwise directed. They are not to be worn during formal events and are not intended for wear in regular field/patrol work assignments.

The Class C uniform will only be issued to those permanently assigned to the Training Unit.All others authorized to wear the Class C uniform will be purchased at the employee's expense.

Traffic Unit Uniforms:

The traffic uniform will be the uniform of the day or the summer traffic uniform.

- The rain gear shall be medium navy blue in color with a reflective white stripe down the legs on the outside seam, around the cuffs of the jacket and across the back at the yoke. The material shall be a Gore-Tex type provided by the manufacturer.
- The motorcycle helmet shall be a full-face model issued by the department.
- The leather motorcycle coat will only be worn while on active motorcycle duty. The leather coat will be worn with name tag and badge.

Shorts:

The wearing of navy blue department approved shorts is subject to the following conditions:

- The wearing of shorts may be authorized from May 1st to September 1st of each year by the Chief of Police, Assistant Chief of Police, Patrol Major, or Patrol Captain.
- Shift commanders may authorize the wearing of shorts for beat assignment, park assignments, or special assignments where the assigned officers are subjected to prolonged exposure to the sun.
- The wearing of shorts will be authorized for walking assignments such as Hoopfest, Neighbor Days, and other special events, as authorized by the Incident Commander.

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- The shorts must be worn with the department approved duty uniform short-sleeved shirt, or authorized department blue polo shirt with dark navy blue colored t-shirt. All SPD identifiers, badges, and patches will be attached to the shirt as per policy.
- Black athletic footwear (as per policy) will be worn with the shorts. Socks will be black in color, have no visible logos or brand names, and will be no higher than ankle length.
- The cost of purchasing and replacing the shorts and/or blue uniform shirt is the sole responsibility of the individual officer. The shorts and blue uniform shirt will be treated as personal property, and may be repaired or replaced, when damaged or lost while in the line of duty, in accordance with existing labor agreements.

Bike Uniform:

The following are the required uniform items and equipment that are to be worn by bicycle patrol officers while in the performance of uniform patrol duty:

- Department approved blue polo shirt or blue uniform short-sleeved shirt with blue t-shirt worn beneath it.
- Shorts designed for bicycle patrol
- Department approved bicycle or athletic shoes.
- Department approved bicycle helmet.
- Solid black socks, ankle length, with no visible logos or brand names.
- Duty gear (gun belt and accompanying accessories/body armor).
- Department approved jacket.

Following are optional equipment that may be worn by bicycle patrol officers while on duty:

- Bicycle gloves
- Spandex black or navy blue bicycle shorts (may be worn under required bicycle shorts).

The purchase and replacement of bike uniforms will be the responsibility of the individual officer. Damaged items will be repaired or replaced in accordance with existing labor agreements.

T-Shirts:

The t-shirt worn under the uniform shirt shall be dark navy blue or black in color. White t-shirts may be worn by administrative staff. No visible logos, advertising, or other pictures or printing will be allowed to show at the top of the open uniform shirt. The t-shirt will be maintained in a good condition, and when faded, torn or when the crew neck begins to wear noticeably, it will be replaced. The sleeve length of the t- shirt will be shorter than that of the uniform shirt and shall not show past the end of the sleeve of the uniform shirt. The crew neck of the t-shirt will not be more that 1" in height and will fit snugly around the neck of the officer. Black t-shirts shall be worn with the department jumpsuit.

Turtlenecks:

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The department authorized turtleneck top may be worn under the long sleeve uniform shirt or jumpsuit. The sleeve length of the turtleneck will not show past the end of the sleeve of the long-sleeve uniform shirt. Mock-turtlenecks may be worn in lieu of the full turtleneck.

Authorized turtleneck:

Color: Navy blue for the duty uniform; black for jumpsuits

Uniform tie:

Clip ties are permitted and shall be black in color when worn with the Class A uniform.

Socks:

Socks worn by uniform officers will be black while wearing uniform shoes. No visible logos, advertising, or other printing or pictures will be allowed.

Hats:

A baseball type hat is approved for use by uniformed officers. The color and printing on the hat shall be department approved.

Note: Specialty unit hats (SWAT, TAC, EDU, etc.) may be worn only while functioning in the applicable specialty unit and when necessary for officer identification, not while serving as a uniformed patrol officer.

Watch caps: During inclement weather, officers are authorized to wear a black, tight knit, military style watch cap. Any visible logos must be subdued in color.

Jackets:

Only department approved jackets may be worn.

Gloves:

Gloves may be worn with the uniform. They shall be black, or when directing traffic may either be red or reflective orange. Possession of "sap" gloves or any gloves loaded with weight is prohibited. Bicycle or half-fingered gloves may only be worn when on authorized bicycle duty. All other gloves must cover the full hand.

Footwear:

Uniformed members shall wear plain black-laced oxford style shoes while on duty. The surface may have a factory shine (i.e., patent leather), but will be polish-able. Also authorized are laced athletic shoes that are plain black, with no stripes or logos of a contrasting color. No visible buckles, straps, or other fastening mechanisms are authorized.

Also authorized are black, plain round-toed boots.

Jumpsuit:

The following described jumpsuit is authorized as a daily utility uniform for the patrol division. Entry Level Officers will be issued 2 jumpsuits upon graduation, and 2 additional jumpsuits upon

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completion of the FTO phase. Lateral Police Officers will receive 2 jumpsuits upon hiring and 2 additional jumpsuits after successful completion of the FTO phase. The jumpsuit will be considered Department property. The longevity of the jumpsuit is about six years. Reordering will be on a case-by-case basis. Damage to the jumpsuit will be reported to the Quartermaster for repairs. Laundering of the jumpsuit will be the responsibility of the officer. They are to be washed in cold water and hung dry. If officers have been exposed to a bio-hazard, the officer will place the jumpsuit in a bio-hazard bag listing the type of exposure. The Quartermaster will make arrangements for the special cleaning. The jumpsuit will only be worn when on patrol. An authorized black turtleneck, mock turtleneck, dickey or T-shirt will be worn with the jumpsuit

Jumpsuit Specifications:

- Only jumpsuits issued by the department are authorized.
- Only approved metal pins or badges will be authorized on the jumpsuit.
- Epaulets on both shoulders.
- Mic. Loop placement optional.
- Pockets will be standard for all jumpsuits.
- Personal or individual modifications to jumpsuits are prohibited.

Uniform Gun Belt:

The uniform gun belt with matching accessories will be black leather, basket weave design. The officer's holster shall be worn on the strong side. Other than the holster, the location of an officer's equipment on the belt will be optional. The patrol officer's uniform gun belt shall:

- Completely conceal the trouser belt.
- Unless the belt is a Bianchi tri-release buckle nylon belt, or is equipped with hook loop fastening material (Velcro-type material), must have a silver buckle centered at the front of the belt, with the buckle being brass colored for sergeant and above.
- Have the following equipment to be carried for field duty:
    - Two fully loaded ammunition carriers for the primary weapon.
    - Department authorized holster and weapon.
    - Handcuff case, handcuffs and handcuff key.
    - At least two of the following three: OC 10 canister, expandable baton, and/or Taser (see DT manual for more information).
    - Portable radio holder and Department-issued radio.

Officers may purchase a knife or multi-tool and matching case at their own expense to be carried on duty. The knife must be either a folding type (locking preferred), or fixed blade with retention sheath, both with a blade not to exceed 4" in length. If a case is worn, the case must be black in color to match the material of the rest of the officer's equipment.

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A fixed blade knife must be carried in a protective sheath with retention properties. The knife shall be carried discreetly in an area not readily observed, but easily accessible to the officer, such as behind other equipment on the duty belt.

Non patrol officers assigned to field duty shall carry:

- Department issued, or Department approved, holster.
- Spare magazine.
- Department issued, or Department approved, handcuffs.
- Department issued, or Department approved, tactical vest

Uniform gun belt harness:

An approved gun belt harness may be worn upon approval of the Office of the Chief. The purpose of the gun belt harness is to provide additional and needed support while wearing a uniform gun belt. Officers with a medical condition will be authorized to wear an approved gun belt harness. Officers must submit a letter of request, to include a letter form a physician, to the Office of the Chief. The initial purchase and replacement of a uniform gun belt harness is the sole responsibility of the officer.

1046.3.1 UNIFORM ACCESSORIES

Service stripes reflecting total law enforcement commissioned time shall be worn on the left sleeve of the long-sleeve uniform shirt and/or left sleeve of the authorized jumpsuit. Each service stripe will represent three years commissioned time and will be worn centered on the front sleeve and will begin 3/4" above the cuff. The service stripes will then continue up the arm. The stripes will be diagonal in design and shape and shall be white up through the rank of corporal/detective, and gold for sergeant and above.

When wearing a tie with the long sleeve shirt, officers may choose one of the following methods of securing the tie:

- Wearing the tie loosely with the bottom portion of the tie not attached to the shirt.
- Attaching the tie to a button of the shirt utilizing the button hole on the lower back portion of the tie.

The following pins are optional, and when authorized by training and/or current assignment, one may be worn centered 1/8" above the department name tag on the uniform shirt (not to be worn on the jumpsuit):

- Marksmanship Pin
- Special Weapons and Tactics(SWAT) Pin
- Field Training Officer (FTO) Pin
- TAC Team Pin
- Explosives Disposal Unit (EDU) Pin

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- Canine Pin (K9)
- Motorcycle Officer Wings
- Command College Pin
- National Academy Pin
- City Longevity Pin
- Honor Guard Pin
- Crisis Intervention Team (CIT) Pin (CIT patch to be worn on the right collar of the jumpsuit)
- Department issued American Flag pin

Note: Department issued medals (Commendation Bar) and State of Washington Medal of Honor Bar will be worn centered 1/8" above the name tag. Other authorized pins will be worn centered 1/8" above the Medal Commendation Bar. (Refer to the policy on commendations for wearing of more than one Medal Commendation Bar).

The issued uniform badge will be worn centered above the left breast pocket, using the badge reinforcement strip. The issued uniform patches will be worn 3/4" below the seam on the left and right shoulders, centered on the crease of the sleeve on shirts, sweaters, jumpsuits, or jackets. All ranks will wear the patch in the same way. Traffic officers will wear their Department insignias appropriate to their units on the right shoulder, in lieu of the issued uniform patch for that shoulder. Nothing shall be worn on the uniform or as part of the uniform except regulation Department insignias as specified. Straps used to retain eyeglass wear shall be plain dark navy blue or black in color. Placement of collar brass:

- The "SP" will be worn parallel to and 3/4" below the top edge of the collar, and 3/4" from the front edge of the collar on the class A or B uniform shirt.

1046.3.2 SPECIALIZED UNIT UNIFORMS

The uniform worn must be approved by the Unit Commander (Lt) of that unit or team AND the personnel must be immediately recognizable as a police officer when functioning in such a manner that immediate recognition is needed.

1046.3.3 UNIFORM NAME TAGS

Class A and B Uniforms

The name tags on both the Class A and B Uniforms shall be gold metal with black lettering for the ranks of Sergeant and above and silver metal with black lettering for those ranks below Sergeant.

For probationary officers, the name tag shall be blue plastic with white lettering.

Jump Suits

The name tag will be in the form of a sewn-on black patch with gold lettering for ranks Sergeant and above and silver lettering for the ranks below Sergeant.

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For probationary officers, the name tag on the jump suit shall be the same as for the class A or B uniforms (blue plastic with white lettering). Upon COMPLETION of the probationary time period, the name tag will be replaced with the sewn-on black patch with the standard white lettering.

1046.4 INSIGNIA AND PATCHES

Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

Subdued shoulder patches: Subdued shoulder patches shall only be worn by SWAT as part of their regular SWAT attire. EDU, K9 and CART are authorized subdued shoulder patches only as it pertains to their work with SWAT Team operations. An example would be if K9 is conducting normal police operations, the standard color SPD patch will be worn. If K9 is participating with SWAT in training or in an actual operation, subdued patching would be authorized.

1046.4.1 MOURNING BADGE

Uniformed employees may 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 State or Province - From the time of death until midnight on the 14th day after the death.

C. Funeral attendee - While attending the funeral of an out of region fallen officer.

D. When attending any Law Enforcement Memorial Ceremony.

E. The day of the Local Law Enforcement Memorial Ceremony.

F. National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

G. As directed by the Chief of Police.

1046.4.2 FUNERAL ATTIRE

Uniform personnel shall present the most professional appearance possible when attending an in-the-line-of-duty death. Officers shall:

- Wear the long sleeve class A shirt with tie.
- White gloves are optional.
- Dress uniform may be worn in lieu of a class A uniform.

1046.5 CIVILIAN ATTIRE - ALL EMPLOYEES

There are assignments within the department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

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- All male administrative and investigative personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- All female administrative and investigative personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

The following items shall not be worn on duty:

- T-shirt alone
- Flip-flops or thongs
- Swimsuit, tube tops, or halter-tops
- Cargo pants; the 5.11 tactical pants may be worn for training or special team assignments
- Spandex type pants or see-through clothing
- EXCEPTIONS: Exceptions to civilian attire may be granted to officers working in an undercover or plainclothes assignment as approved by their division captain.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Spokane Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Spokane Police Department, to do any of the following:

A. Endorse, support, oppose or contradict any political campaign or initiative.

B. Endorse, support, oppose, or contradict any social issue, cause or religion.

C. Endorse, support, or oppose, any product, service, company or other commercial entity.

D. Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the department for the cost of providing the department issued item.

Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

Replacement of items listed in this order as optional shall be done as follows:

- When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

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- When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Spokane Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Spokane Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Uniform Regulations - Civilian Employees, Reserve Officers, Interns, Chaplains and Volunteer Members

1047.1 PURPOSE AND SCOPE

The uniform policy of the Spokane Police Department is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms. Members should also refer to the following associated Policy Manual sections:

Section 348.52 Courtroom attire

Section 700 Department owned and personal property

Section 1024 Body armor

Section 1045 Grooming standards for civilian employees and volunteer members

1047.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Reserve Officers wear the patrol uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose: to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

Wearing of uniforms:

A. All uniformed members shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty. Uniforms shall be neat, clean and appear professionally pressed.

B. Personnel shall wear only the uniform specified for their assignment.

C. The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications.

D. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

E. Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or authorized events.

F. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the member while he/she is off duty.

G. Members are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

H. Mirrored sunglasses will not be worn with any department uniform. Sunglasses should be of a conservative shade that would not detract from the uniform.

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.

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1. Wrist watch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.
4. Conservative bracelet/band/electronic device. A maximum of one bracelet/band/electronic device per arm.

1047.2.1 DEPARTMENT ISSUED IDENTIFICATION

The department issues each member official department identification cards bearing the member's name, identifying information and photo likeness. All members shall be in possession of a department issued identification card at all times while on duty.

A. Whenever on duty or acting in an official capacity representing the department, members shall display their department issued identification in a courteous manner to any person upon request as soon as practical.

B. All members of the department shall possess official department identification when within the secured areas of the Public Safety Building.

1047.3 UNIFORM SPECIFICATIONS

The following uniform specifications are specific to Civilian employees, Reserve Officers, Chaplains, Interns and Volunteers.

Class A Uniform:

Spokane Police Department Class A dress uniform is a long sleeve dress uniform shirt worn with a tie and uniform pants and silver SP's on the collar.

This uniform shall be worn for dress functions; funerals; court; formal occasions; and as directed by the Chief.

Class C Uniform:

The Class C uniform consists of a black polo shirt and cargo-style pants (approved colors are tan, brown, khaki, olive green, charcoal gray, and dark navy). The civilian Class C uniform shirt will have either the civilian patch on the upper left side or it can be left blank. "Volunteer" or "Chaplain" will be on the right hand side and the volunteer will wear a blue name tag centered above the embroidery.

This uniform is optional for civilian employees as authorized by the Chief of Police; however, all Class C uniforms will be purchased at the employee's own expense. Chaplains and Volunteers, with the exception of Reserves, will be issued a Class C uniform as their primary uniform of the day.

Jumpsuit:

The following described jumpsuit is authorized as a daily utility uniform for Reserve Officers. Reserve Officers will be issued one jumpsuit after successful completion of the Reserve Academy. The jumpsuit will be considered Department property. The longevity of the jumpsuit is about six

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years. Replacement will be on a case-by-case basis. Damage to the jumpsuit will be reported to Volunteer Services for repairs. Laundering of the jumpsuit will be the Reserve Officer's responsibility. They are to be washed in cold water and hung dry. If Reserve Officers have been exposed to a bio-hazard, the Reserve will place the jumpsuit in a bio-hazard bag listing the type of exposure. Volunteer Services will make arrangements for special cleaning. An authorized black turtleneck, or t-shirt will be worn with the jumpsuit.

Jumpsuit Specifications:

- Only jumpsuits issued by the department are authorized
- Only approved metal pins or badges will be authorized for the jumpsuit.
- Epaulets on both shoulders.
- Mic loop placement optional.
- Pockets will be standard for all jumpsuits
- Personal or individual modifications to jumpsuits are prohibited.

Shorts:

The wearing of navy blue department approved shorts is subject to the following conditions:

- The wearing of shorts may be authorized from May 1st to September 1st of each year by the Chief of Police, Assistant Chief of Police, Patrol Major, or Patrol Captain.
- Shift commanders may authorize the wearing of shorts for beat assignment, park assignments, or special assignments where the assigned Reserve Officers or Volunteers are subjected to prolonged exposure to the sun.
- The wearing of shorts will be authorized for walking assignments such as Hoopfest, Neighbor Days, and other special events, as authorized by the Incident Commander
- The shorts must be worn with the department approved navy blue polo with navy t-shirt. All SPD identifiers, badges, and patches will be attached to the shirt as per policy.
- Black athletic footwear (as per policy) will be worn with the shorts. Socks will be black in color, have no visible logos or brand names, and will be worn no higher than the ankle.
- Reserve Officers and Volunteers may check out shorts and/or polo shirts as needed for specific patrol duties. It will be the responsibility of the Reserve Officer or Volunteer to clean and return the items after each event.

Sweaters:

Civilian employees and Senior Volunteers are allowed to wear a sweater. The color of the sweater shall be a dark navy blue.

T-shirts:

Crew neck t-shirts will be worn under all uniform shirts. Reserve Officers and volunteers will wear dark navy blue t-shirts under Class A and Class B uniforms. Black t-shirts will be worn

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under jumpsuits and Class C uniforms. T-shirts must have no visible logos, advertising, or other pictures or printing showing at the top of the open uniform shirt. The t-shirt must be maintained in good condition, and when faded, torn or when the crew neck begins to wear noticeably, it will be replaced. The sleeve length of the t-shirt will be shorter than that of the uniform shirt and shall not show past the end of the sleeve of the uniform shirt. The crew neck of the t-shirt will not be more than 1" in height and will fit snugly around the neck.

Turtleneck shirts:

The department authorized turtleneck top may be worn under the long sleeve uniform shirt or jumpsuit. The sleeve length of the turtleneck will not show past the end of the sleeve of the long-sleeve uniform shirt. Mock- turtlenecks may be worn in lieu of the full turtleneck. Turtlenecks must be black in color.

Uniform tie:

Clip ties are permitted. Ties shall be worn with the Class A uniform and shall be navy blue in color for volunteers and black for Reserve Officers.

Socks:

Socks worn by uniformed members will be black. No visible logos, advertising, or other printing or pictures will be allowed.

Hats:

A baseball type hat is approved for use by uniformed members. The color and printing on the hat shall be department approved and may be issued to Reserve Officers and Volunteers through Volunteer Services.

- Watch caps: During inclement weather, uniformed members are authorized to wear a black, tight knit, military style watch cap while performing patrol duties. Any visible logos must be subdued in color.

Jackets:

Only department approved jackets may be worn.

Gloves:

Gloves may be worn with the uniform. They shall be black in color. Possession of "sap" gloves or any gloves loaded with weight is prohibited. Bicycle or half-fingered gloves may only be worn when on authorized bicycle duty. All other gloves must cover the full hand.

Footwear:

Uniformed members shall wear plain black-laced oxford style shoes while on duty. The surface may have a factory shine, but will be polish-able. Also authorized are laced athletic shoes that are plain black, with no stripes or logos of a contrasting color. No buckles, straps, or other fastening mechanisms are authorized.

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Also authorized are black, plain round-toed boots.

Uniform duty belt:

The uniform duty belt with matching accessories will be black leather, basket weave design. Reserve Officers shall wear their holster on the strong side. Other than the holster, the placement of the uniformed member's equipment on the belt will be optional. The duty belt shall completely conceal the trouser belt, and should have a silver buckle centered at the front of the belt or be a tri-release buckle.

The duty belt for Reserve Officers and volunteers will vary depending on qualifications but may include variations of the following:

- Two fully loaded ammunition carriers for the primary weapon (Reserve Officers only)
- Department authorized holster and weapon (Reserve Officers only)
- Handcuff case, handcuffs and handcuff key.
- At least two of the following three: OC 10 canister, expandable baton, and/or Taser (see DT manual for more information) (Reserve Officer only)
- OC 10 canister and holder (Co-ops's only)
- Portable radio holder and radio
- Rubber glove holder

Reserve Officers may purchase a knife or multi-tool and matching case at their own expense to be carried on duty. Cases must be worn on the duty belt, in an easily accessible location. The knife must be either a folding type (locking preferred), or a fixed blade with retention sheath, both with a blade not to exceed 4" in length. The case must be black in color to match the material of the rest of the Reserve Officer's equipment. Knives are considered a utility tool.

A fixed blade knife must be carried in a protective sheath with retention properties. The knife shall be carried discreetly in an area not readily observed, but easily accessible to the officer, such as behind other equipment on the duty belt.

Volunteers may purchase a multi-tool (Leatherman type) and matching case at their own expense to be carried on duty. The case must be black in color to match the material of the rest of the equipment on the duty belt. Non-commissioned volunteers may not carry a knife while on duty.

Uniform gun belt harness: An approved gun belt harness may be worn upon approval of the Office of the Chief. The purpose of the gun belt harness is to provide additional and needed support while wearing a uniform gun belt. Reserve Officers with a medical condition will be authorized to wear an approved gun belt harness. Members requesting authorization for a gun belt harness must submit a letter of request, to include a letter from a physician, to the Office of the Chief through the Volunteer Services Chain of Command.

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1047.3.1 UNIFORM ACCESSORIES

When wearing a tie with the long sleeve shirt, uniformed members may choose one of the following methods of securing the tie:

- Wearing the tie loosely with the bottom portion of the tie not attached to the shirt.
- Attaching the tie to a button on the shirt utilizing the button hole on the lower back portion of the tie.

The following pins are optional, and may be worn centered 1/8" above the department name tag on the Volunteer dress uniform shirt (not to be worn on jumpsuits or Class C shirts).

- American Flag pin
- Year of Service pin
- Presidential Volunteer Service Award pin

Years of Service and Presidential pins shall be worn no more than 3 per row, centered above the department name tag on the dress uniform. Centered above these pins, if they are worn, will be the American Flag pin.

Volunteers may also wear the Hours of Service bar, attached to the department name tag.

Note: Any Department issued medals will be worn in accordance to the policy on commendations.

The issued uniform badge will be worn centered above the left breast pocket, using the badge reinforcement strip.

Nothing shall be worn on the uniform or as part of the uniform except regulation Department insignias as specified. Members shall not wear mirrored/reflective sunglasses or sunglasses of a distinctive nature which will detract from their uniform or professional appearance. Straps used to retain eyeglass wear shall be plain dark navy blue or black in color.

Placement of collar brass:

The "SP" will be worn parallel to and 3/4" below the top edge of the collar and 3/4" from the front edge of the collar.

1047.3.2 SPECIALIZED UNIT UNIFORMS

Members of the Police Evidence Facility shall be issued designated uniforms in accordance with the Memorandum of Understanding between the City of Spokane and Local 270.

Fleet employees with the Spokane Police Department shall be issued appropriate uniform items, to include boots, in accordance with the agreement between the City of Spokane and Local 270

Chaplains shall be issued uniform items as authorized by the Chief of Police.

All authorized uniform items shall be issued via the Spokane Police Department's Quartermaster system.

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1047.4 MOURNING BADGE

Uniformed members may 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 State or Province - From the time of death until midnight on the 14th day after the death.

C. Funeral attendee - While attending the funeral of an out of region fallen officer.

D. When attending any Law Enforcement Memorial Ceremony.

E. The day of the Local Law Enforcement Memorial Ceremony.

F. National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

G. As directed by the Chief of Police.

1047.4.1 FUNERAL ATTIRE

Uniformed members shall present the most professional appearance possible when attending an in-the-line- of-duty death. Members shall:

- Wear the long sleeve class A shirt with tie.
- White gloves are optional.
- Dress uniform may be worn in lieu of a class A uniform (Explorers only).

1047.5 CIVILIAN ATTIRE - ALL EMPLOYEES

There are assignments within the department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- All members of the Spokane Police Department shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- All male support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, and slacks or blue jean pants which present a business like appearance.
- All female support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or blue jean pants which present a business like appearance

The following items shall not be worn on duty:

- T-shirt alone
- Flip-flops or thongs
- Swimsuit, tube tops, or halter-tops
- Spandex type pants or see-thru clothing

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- Distasteful printed slogans, buttons or pins

The department approved embroidered patch may be worn on department-approved polo shirts. Variations from this order are allowed at the discretion of the Chief of Police or designee. Employees who wish to wear garments with the approved patch will purchase those items at employee's own cost. No item of civilian attire may be worn on duty that would adversely affect the reputation of the Spokane Police Department or the morale of the employees.

1047.5.1 NON-COMMISSIONED CIVILIAN ATTIRE
Female Members:

- Dresses and skirts are appropriate and shall present a businesslike appearance. Mini-skirts, mini-dresses are not appropriate. Sun dresses may be worn as long as the straps of the dress completely cover bra straps.
- Casual slacks may be worn, Capri pants are allowed. Appropriate Capri pant length is mid-calf. Shorts are not appropriate.
- See-through blouses/sweaters, halters, strapless, tube, tank and bustier tops are inappropriate. Sleeveless shirts may be worn; however they must cover the top of the shoulder. Sports shirts with collars (polo style) are appropriate. T-shirts are allowed without any large logos or graphic designs on them. Law Enforcement, Public Safety insignias, and brand logos are appropriate.
- Blue jean pants are appropriate if they present a businesslike appearance. Low rise style, holes, tears, rips, frayed seams, faded, or stains are not appropriate.
- Safe, well-maintained footwear is required. Thongs (flip-flops) are inappropriate. Dress sandals will be allowed for non-commissioned support personnel. Athletic-type shoes that present a business-like appearance are appropriate. Athletic shoes used primarily for sports activities are not appropriate (e.g. high-top basketball shoes, and bright, multi-colored, embossed-type running shoes).
- Any questions about appropriate attire should be discussed with the member's immediate supervisor.

Male members:

- Dress shirts and sports shirts with collars (polo style) are appropriate. T-shirts are allowed without any large logos or graphic designs on them. Law Enforcement, Public Safety insignias, and brand logos are appropriate. Tank tops, sleeveless shirts and muscle shirts are not appropriate.
- Dress slacks are appropriate. Blue jean pants are appropriate if they present a businesslike appearance. Low rise style, holes, tears, rips, frayed seams, faded, or stains are not appropriate. Shorts are not appropriate.
- Safe, well-maintained footwear is required. Thongs (flip-flops) are inappropriate. Athletic-type shoes that present a business-like appearance are appropriate. Athletic shoes used primarily for sports activities are not appropriate (e.g. high-top basketball shoes, and bright, multi-colored, embossed-type running shoes).

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- Any questions about appropriate attire should be discussed with the member's immediate supervisor.

1047.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police. Spokane Police Department members may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Spokane Police Department, to do any of the following:

A. Endorse, support, oppose or contradict any political campaign or initiative.

B. Endorse, support, oppose or contradict any social issue, cause or religion.

C. Endorse, support, or oppose, any product, service, company or other commercial entity.

D. Appear in any commercial, social, or non-profit publication, or any motion picture, film, video or public broadcast or any website.

1047.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee, Reserve Officer or volunteer. No part of the purchase cost shall be offset by the department for the cost of providing the department issued item.

Maintenance of optional items shall be the financial responsibility of the purchasing member. For example, repairs due to normal wear and tear.

Replacement of items listed in this order as optional shall be done as follows:

- When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual 700).

1047.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Spokane Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee. Reserve Officers and Volunteers must consult the Volunteer Services Chain of Command to obtain authorization to wear any items not specifically issued to them through the department.

Spokane Police Department employees or volunteers may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Gender Neutral – The Spokane Police Department recognizes that fraternization is gender neutral, meaning there is no presumption that fraternization is limited to or defined by interactions between members of different genders.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

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A. Employees are prohibited from directly supervising or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

   1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

   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. FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal relationships with any employee they are assigned to train until such time as the training has been successfully completed and/or the employee is off probation.

D. Any member who serves as a supervisor, program administrator, director, mentor or responsible party over the care, custody or activity of Explorers and/or Co-Ops is prohibited from entering into or maintaining a personal relationship.

   1. Every interaction between a member of the Spokane Police Department and an Explorer or Co-Op shall be of a strictly professional nature.

   2. Unless specifically approved by the assigned Volunteer Services Sergeant, off-duty, social interaction with any Explorer or Co-op is prohibited.

   3. One-on-one training sessions must be pre-approved by the Volunteer Services Sergeant.

   4. If an Explorer or Co-op with whom a police department member has a familial, personal, business or romantic relationship is assigned to such member for a ride-along, mentorship, supervision, etc., that member will notify the Volunteer Services chain of command or if unavailable, their chain of command.

E. 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 suspects as a direct result of any official contact.

F. 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.

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G. The department may prohibit relatives and employees who are in a personal relationship, from working on the same patrol team, in a work assignment, or within the same work group.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her 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.

1050.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Domestic Violence Involving Law Enforcement Employees

1052.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1052.1.1 DEFINITIONS

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

Employee - Means any person currently employed with an agency.

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

1052.2 DEPARTMENT RESPONSIBILITIES

Spokane Police Department has the following obligations (RCW 10.99.030 and 10.99.090):

(a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.

(b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.

(c) Provide education to Spokane Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the Spokane Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.

(e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.

(f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

(g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.

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(h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.

(i) Provide victims of domestic violence by Spokane Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.

(j) Provide victims of domestic violence by Spokane Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.

(k) Respond to Spokane Police Department employees who are alleged victims of violence at the hands of sworn employees of the Spokane Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.

(l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Spokane Police Department or through agreements with other law enforcement agencies

(m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

1052.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

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

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

1052.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

(a) If an SPD employee is involved they shall:

1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.

2. Issue an administrative order prohibiting contact with the victim if appropriate.

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3. Forwarded information on the incident to the professional standards unit and/or the Chief of Police for review and further action.
4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.

(b) If an employee of another law enforcement agency is involved they shall:

1. Verify command notification of the employing agency.
2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
3. Ensure that the Spokane Police Department provides appropriate reports and any other requested documentation to the employing agency.

1052.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

(a) In all instances of law enforcement domestic violence the Domestic Violence Specialist or DV Unit Supervisor shall:

1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.

(b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

(c) For all situations involving an employee of this department, the Domestic Violence Specialist or DV Unit Supervisor shall:

1. Contact the victim.
2. Introduce the point of contact.
3. Provide an update regarding the administrative process.

1052.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

(a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

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(b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Internal Affairs Unit as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.

(c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

(d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Internal Affairs Unit within 24 hours.

(e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Internal Affairs Unit or by court subpoena.

(f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 26.50.020 et seq. 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.

1052.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

(a) On-scene supervisory presence.

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

(c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

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(d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

1052.4.1 RADIO RESPONSE

Employees of Combined Communications Center will ensure the following actions are taken:

(a) Enter a call for service.

(b) Notify the Shift Commander or appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.

(c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

1052.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

(a) The primary unit will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene and any injuries identified.
2. Statements from all witnesses, including children, if any.
3. The Domestic Violence Supplemental Report Form.
4. Seizure of any weapons used or referred to in the crime.
5. Signed medical releases.
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved.
8. Statement of the victim; statement of the suspect.
9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
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.

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1052.4.3 PATROL SUPERVISOR RESPONSE
A patrol supervisor shall:

(a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

(b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Spokane Police Department involving any law enforcement officer.

(c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.

(d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

(e) In the event of the arrest of a sworn employee of the Spokane Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.

(f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.

(g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.

(h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.

(i) Provide the victim with a copy of this policy and SPD contact information, acting as the point of contact until another assignment is made.

1052.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Spokane Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

(a) Information on how to obtain protective orders and/or removal of weapons from his/her home.

(b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c) A copy of this policy and any agency confidentiality policy.

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(d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.

(f) The Spokane Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

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Peer Assistance Team

1053.1 PURPOSE AND SCOPE

The mission of the Peer Assistance Team (P.A.T.) is to provide information and emotional support to employees and their families when personal or professional problems may affect them. Official interactions are confidential, providing it does not violate any law or Department regulation. The P.A.T., hereafter known as the Team, may supplement the Department psychologist. The Team is specifically trained for support (Critical Incident Stress Management ," CISM), but is not a substitute for mental health professionals.

A critical incident is defined as, "Any situation faced by personnel that causes them to experience unusually strong emotional reactions which have the potential to interfere with their ability to function either at the scene or later" (Jeffery Mitchell, Ph.D. and co- founder of the International Critical Incident Stress Foundation).

1053.2 CONFIDENTIALITY

RCW 5.60.060 (6) (a) states, "A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the sheriff, police chief, fire chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer or firefighter."

Team members must inform Department members of the limits of their confidentiality and consider potential role conflicts (e.g. supervisor providing peer support). Exceptions to confidentiality may include the following:

- Threats to self
- Threats to others (specific)
- Serious crimes
- Child, spousal or elder abuse

1053.3 GOALS

1. Provide immediate, on site support to members involved in a critical incident.

2. Provide post-incident support to affected members.

1053.4 ORGANIZATION

The Team shall consist of:

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(a) A team leader (sergeant) and one other supervisor (lieutenant) who will have administrative responsibility for the team and report to the Chief of Police.

(b) The PAT Team psychologist who will maintain clinical oversight, facilitate demobilizations, defusings and debriefings. The psychologist will provide evaluations and assist the Team supervisors in team functions, training and meetings.

(c) The SPD Chaplain(s) who will assist where needed.

(d) Team members who have received the mandatory, certified CISM training to assist affected officers.

1053.5 ADMINISTRATION

(a) Individuals receiving peer support may voluntarily choose or reject a Team member by using any criteria they believe is important. They may also decline services provided by the Team.

(b) The Team may not hamper or impede a disciplinary process of an affected employee.

(c) Candidates for the Team should be selected based on criteria set forth in this policy, for their abilities and attitude, such as: active listening, empathy, credibility with their peers, experience, maturity, judgment and motivation and monitored by their immediate supervisor.

(d) Applicants shall complete a specialty unit application and should be selected by the Team, with the approval of the unit commander and Chief.

(e) Criteria for removal from the Team may include breach of confidentiality, failure to attend training, respond to call-outs, or loss of good standing within the Department.

(f) Team members should be allowed a leave of absence from the Team when personal or professional conflicts arise.

(g) Team members should avoid conflicting peer support relationships.

1053.6 TRAINING

All Team members shall attend and receive the basic International Critical Incident Stress Foundation certified training before assignment.

1053.7 PROCEDURES

When a situation occurs which has a high probability of creating critical incident stress, the on duty Shift Commander, Incident Commander or command level officer will activate the Team by notification to Radio.

Radio shall call the Team sergeant and the Team psychologist. The Team sergeant (or designee) shall notify the Team lieutenant and the necessary Team members. The Team sergeant/designee shall provide oversight of assignments and coordinate with the Incident Commander.

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Movement of affected personnel for defusing, debriefing or assessment shall be coordinated with and approved by the on scene detective supervisor.

1053.8 ADMINISTRATIVE LEAVE

The PAT team will assist with administrative leave.

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Department Badges

1054.1 PURPOSE AND SCOPE

The Spokane Police Department badge and uniform patch as well as the likeness of these items and the name of the Spokane Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1054.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1054.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Spokane Police Department.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1054.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1054.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may keep his/her assigned duty badge for display purposes. Honorable retired employees will also be issued a "retirement" flat badge. The retirement badge will be gold in color and issued in a wallet case. It is intended that these badges be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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1054.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Spokane Police Department.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Vertical Staffing Process

1057.1 PURPOSE AND SCOPE

The intent of the vertical staffing process is to provide all members of the Spokane Police Department a voice in identifying and resolving work and community issues in a constructive environment.

Vertical staffing process will be utilized to problem-solve issues brought forward from individuals of all ranks and classifications within the SPD, to include problems brought forward from the office of the Chief.

This professional model provides work groups with additional resources enabling them to complete a comprehensive work product. All work products will be reviewed by the Steering Committee prior to presentation to Senior Staff.

Issues or concerns with the vertical staffing decisions will be brought to the coordinator for resolution.

1057.2 VERTICAL STAFFING MEMBERS AND ROLES

Coordinator

The Office of the Chief shall assign a lieutenant to serve as the Coordinator. The role of the Coordinator is to assist in the smooth transition between committees, and to be a resource for the Chairperson and work groups. The Coordinator will approve all projects and staff assigned to the project work groups. The Coordinator will update Senior Staff as to the projects being worked and the status of those projects. Tracking hours spent working on each project will be the responsibility of the Coordinator. The Coordinator will assist in the process in a support role. Completed projects will be archived and maintained by the Coordinator.

Chair

A steering committee is lead by a "Chair-Person." This individual may be of any rank or classification. Their role is to maintain focus and direction for the Committee. The Chair is also responsible to ensure the research for each project is thorough, complete and unbiased. The Chair is responsible to gather volunteers and select committee members from a cross-section of the Department. The Chair will ensure the projects are completed in a timely manner. The chair position is a voluntary assignment.

Co-Chair

A person designated by the Chair to lead the Vertical Staffing Committee in the absence of the Chair.

Steering Committee

The Committee is comprised of members selected by the Committee Chair. This group will select and assign topics to be addressed to the work groups. The Steering Committee will meet

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periodically with the lead person of each work group for progress and assistance. When the Steering Committee feels the work group has completed its task, the vertical staffing Chair will notify the coordinator. The coordinator will work with the Chief's office to schedule an opportunity for the work group to present their topic. Issues identified by the Steering Committee requiring immediate action, or issues that can be easily resolved, will be brought forward by the coordinator to the Chief or designee.

Work groups

Work groups typically are made up from a cross-section of individuals, often directly impacted by the identified problem. The number of individuals in a work group will vary depending on the project. These individuals will be authorized to work on their projects during shift hours at the approval of their supervisor. Scheduling conflicts will be brought to the coordinator for resolution. Overtime will be pre-approved by the coordinator.

1057.3 TIME-LINES

Each Vertical Staff Committee has a 90-day sunset clause. All projects shall be completed within this timetable. The presentation to the Chief or follow-up assigned by the Chief may extend beyond this 90 day period. The coordinator may make additional extensions when necessary.

1057.4 FINAL WORK PRODUCT

The final work product is expected to be a professional presentation that will have been screened by the Steering Committee. Completed work products will be submitted to the coordinator to be archived.

1057.5 TOPICS FOR VERTICAL STAFFING

(a) The Chair will solicit topics from employees. The Steering Committee will determine which topics will be assigned to work groups for further study. The following problem-solving model may be used to assist work groups in their research:

1. Define the problem's root causes and symptoms.
2. Brainstorm a wide range of alternative solutions.
3. Select the best possible alternative solutions.
4. Implement the proposed solution.
5. Evaluate the effectiveness of the solution.

(b) The work group's proposal will cover the following considerations.

1. Objective
2. Standards of performance
3. Actives to accomplish the objective

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4. Accountability
5. Time-line/schedule
6. Budget/resources

(c) Follow-through and Implementation:

1. The coordinator will oversee the appropriate follow-up tasks for successful implementation.
2. Progress reports will be presented by the coordinator to Senior Staff on a quarterly basis, until the projects(s) have reached full implementation.

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Employee Speech, Expression and Social Networking

1060.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1060.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1060.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Spokane Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1060.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Spokane Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.

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Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1060.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Spokane Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Spokane Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Spokane Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Spokane Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).

(g) 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 Spokane Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1060.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Spokane Police Department or identify themselves in any way that could be reasonably perceived as representing the Spokane Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Spokane Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1060.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if accessed through department computers or networks.

1060.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1060.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Attachments

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guns with safety ties.jpg

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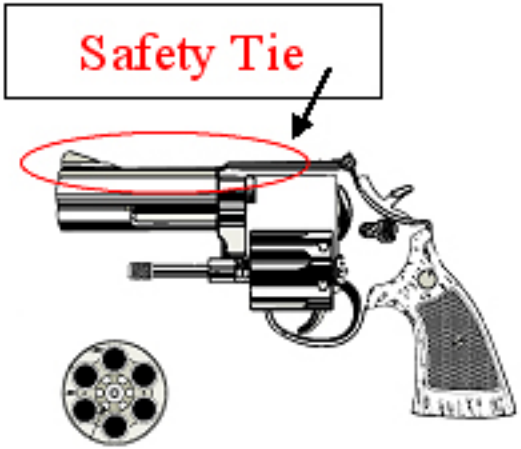
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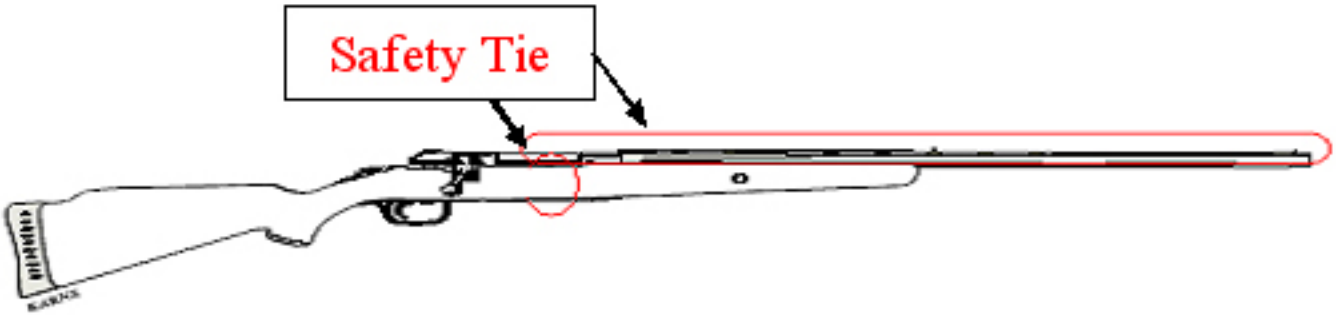
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