PREFACE FROM CHIEF OF POLICE AL COMPAAN

The Department Policy Manual is intended to provide each member of our Department with our guiding principles, policies, and procedures to assist us with delivery of professional law enforcement services to our community. The Manual sets forth the basic operational framework for our organization. It does not cover every possible situation, nor does it attempt to answer every question.

It does, however, set forth standards of conduct and operations that are consistent with the law and the Constitution, representing best practices and ethical conduct within our profession and reaffirming our sworn Oath of Office.

As law enforcement professionals, we are expected to apply appropriate discretion and judgment as we go about our business, properly utilizing our training and experience, all the while maintaining integrity and loyalty to the department and to the citizens of Edmonds.

Only by earning public trust and confidence are we able to be effective as law enforcement professionals. The conduct of each member of our organization reflects on all members. Accountability to ourselves, to each other, and to the public is paramount.

I am proud to serve with each of you and I thank you for your hard work, dedication and commitment to those we serve.

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LAW ENFORCEMENT CODE OF ETHICS AND CANONS OF ETHICS

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

CANONS OF ETHICS

"CANONS" are statements which express, in general terms, standards of professional conduct expected of police department employees in their relationship with the public, the criminal justice system, and the police department employee profession. They embody the general concepts from which the ethical standards and the disciplinary rules are derived.

"ETHICAL STANDARDS" are statements that represent the objectives toward which every police department employee shall strive. They constitute principles that can be relied upon by the police department employee for guidance in specific situations.

Canon One: Police department employees shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

<u>Ethical Standards</u>

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- **Standard 1.1:**Police department employees shall recognize that the primary responsibility of their profession and of the individual officer 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 Constitutions and laws derived therefrom.
- **Standard 1.2:** Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.
- **Standard 1.3:** Peace officers shall diligently study principles and new enactments of the laws they enforce.
- **Standard 1.4:** Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.
- **Standard 1.5:** Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
- **Standard 1.6:**Police department employees shall respect and uphold the dignity, human rights, and constitutional rights of all persons.

Canon Two: Police department employees shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

Ethical Standards

- **Standard 2.1:** Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.
- **Standard 2.2:**Police department employees shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.
- **Standard 2.3:**Police department employees 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:**Police department employees shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

Canon Three: Police department employees 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

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- **Standard 3.1:**Police department employees, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
- **Standard 3.2:**Police department employees, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.
- **Standard 3.3:**Police department employees shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
- **Standard 3.4:**Police department employees shall safely and efficiently use equipment and material available to them.
- **Standard 3.5:**Police department employees shall be prepared to and shall respond effectively to the demands of their office.
- **Standard 3.6:**Police department employees, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.
- **Standard 3.7:**Police department employees shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.
- **Standard 3.8:**Police department employees shall recognize that their allegiance is first to the people, then to their profession and the Edmonds Police Department.

Canon Four: Police department employees shall conduct their public and private lives so that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession.

Ethical Standards

- **Standard 4.1:**Police department employees 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:**Police department employees shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties.
- **Standard 4.3:**Police department employees shall not use any narcotics, hallucinogens, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.
- **Standard 4.4:**Police department employees shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Employees shall not participate in any incident involving moral turpitude.

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- **Standard 4.5:**Police department employees 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:**Police department employees shall not engage in illegal political activities.
- **Standard 4.7:**Police department employees shall not permit or authorize for personal gain, the use of their name, photograph, or official title identifying them as police department employees in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.
- **Standard 4.8:**Police department employees shall not engage in any activity which would create a conflict of interest or which would be in violation of any law.
- **Standard 4.9:**Police department employees shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.
- **Standard 4.10:**Police department employees shall not be disrespectful, insolent, mutinous, or insubordinate in attitude or conduct.
- **Standard 4.11:**Police department employees shall be courteous and respectful in their official dealings with the public, fellow employees, superiors, and subordinates.
- **Standard 4.12:**Police department employees 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:**Police department employees shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

Canon Five: Police department employees 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:** Peace officers 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:**Police department employees 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:**Police department employees shall not use their official position to detain any individual, or to restrict the freedom of an individual, except in the manner and means permitted or prescribed by law.

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Canon Six: Police department employees shall assist in maintaining the integrity and competency of the peace officer profession.

Ethical Standards

- **Standard 6.1:**Police department employees shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
- **Standard 6.2:**Police department employees shall perform their duties in such a manner as to discourage double standards.
- **Standard 6.3:**Police department employees shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.
- **Standard 6.4:**Police department employees shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.
- **Standard 6.5:**Police department employees shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.
- **Standard 6.6:**Police department employees 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 peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers. These canons and ethical standards shall apply to all legally defined police department employees, regardless of rank.

Canon Seven: Police department employees shall cooperate with other officials and organizations who are using legal and ethical means to achieve the goals and objectives of the peace officer profession.

Ethical Standards

- **Standard 7.1:**Police department employees, 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.

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- **Standard 7.2:**Police department employees, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.
- **Standard 7.3:**Police department employees 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: Police department employees shall not compromise their integrity, nor that of their agency or profession, by accepting, giving, or soliciting any gratuity.

Ethical Standards

- **Standard 8.1:**Police department employees 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 police department employees from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.
- **Standard 8.2:**Police department employees shall not consider their badge of office as a license designed to provide them with special favor or consideration.

Canon Nine: Police department employees shall observe the confidentiality of information available to them through any source, as it relates to the peace officer profession.

Ethical Standards

- **Standard 9.1:**Police department employees shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.
- **Standard 9.2:**Police department employees shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.
- **Standard 9.3:**Police department employees 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:**Police department employees shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

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- **Standard 9.5:** Police department employees shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

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MISSION AND VISION STATEMENTS

Our Mission:

We place service before self, with an unwavering and unbiased commitment to public safety, improving the quality of life for our community.

VALUES

Service:

With respect for the law and compassion for all, consistently carrying out our mission through teamwork, courage and accountability.

Integrity:

Inspiring trust by conducting ourselves in a manner that demonstrates the highest level of ethics and moral character.

Respect:

Earned and maintained through a mutual understanding of differences while treating all people with dignity.

Stewardship:

Managing resources in a professional and responsible manner while caring for our community and for each other.

VISION

W e Are...

- Committed to reducing crime and enhancing public safety and security.

- Dedicated to earning and maintaining the respect and confidence entrusted to us.

W e Will...

- Treat all people with dignity and respect.

- Empower our employees to reach their maximum potential by providing them with knowledge, training and mentorship opportunities.

We Strive...

- Through innovation, to adapt and evolve so that we may provide state of the art law enforcement services.

- To exercise our authority with unparalleled professionalism and humility.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by RCW 9A.04.110(13) and 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).

100.2.1 SPECIALLY COMMISSIONED WASHINGTON PEACE OFFICER

Specially commissioned Peace Officers, such as Animal Control Officers or Reserve Officers, are, as defined by RCW 10.93.020(5), any officers, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency.

100.3 CONSTITUTIONAL REQUIREMENTS

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

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Law Enforcement Certification

102.1 PURPOSE AND SCOPE

All sworn officers employed by the Edmonds 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.

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Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.2 POLICY

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

106.2.1 DISCLAIMER

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

106.3 AUTHORITY

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

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

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City - The City of Edmonds.

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

CJTC - The Criminal Justice Training Commission.

Department/EPD - The Edmonds Police Department.

DOL - The Department of Licensing.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Edmonds Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary Officers
- Non-sworn employees
- Volunteers

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

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

WSP - The Washington State Patrol.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

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

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Edmonds Police Department. There are two divisions in the Police Department as follows:

- Support Services Division
- Field Services Division

200.2.1 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Assistant Chief whose primary responsibility is to provide general management direction and control for the Support Services division. The Support Services Division consists of Technical Services, Investigative Services, Professional Standards Services and Administrative Services.

200.2.2 FIELD SERVICES DIVISION

The Field Services Division is commanded by a Assistant Chief whose primary responsibility is to provide general management direction and control for the Field Services Division . The Field Services Division consists of Uniformed Patrol and Special Operations, which includes Traffic, K9, SWAT/ALERT, Dive Team, Bicycle Patrol, Street Crimes, Animal Control, School Resource Officers and other patrol based services.

200.3 COMMAND PROTOCOL

200.3.1 ORDERS

To ensure the stability of the department's response in various situations it is critical that all members respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

Conflicting Order: Employees who are given an otherwise proper order which is in conflict with a previous order or written directive shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the new order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting new order and shall not be held responsible for the disobedience of the order or written directive previously issued.

Unlawful Order: Employees shall not obey any order which they know or should know would require them to commit any unlawful act. If in doubt as to the legality of an order, officers shall

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request the issuing supervisor to clarify the order or request that the supervisor confer with higher authority.

200.3.2 UNITY OF COMMAND

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

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Fiscal Management

201.1 PURPOSE AND SCOPE

It is the policy of the Edmonds Police Department that the Chief of Police maintains authority and responsibility for the fiscal management of the police department and budget as delegated by the Mayor of the City of Edmonds.

201.2 BUDGET CONTROL

The process of budget preparation is coordinated by the Assistant Police Chief, Support Services Division with full participation by all members of the command staff and other designated personnel. The Chief of Police or designee will request input from supervisory personnel throughout the police department regarding all aspects of the new budget. Specifics of annual budget preparation are directed by the Office of the Mayor in concert with the City Finance Department.

The Chief of Police has the authority to spend funds in the approved budget for day-to-day operations of the agency and makes regular reviews of the agency budget.

The accounting system utilized by the Edmonds Police Department is part of the central accounting system in place by the City of Edmonds. The accounting system will ensure an orderly, accurate, and complete documentation of the flow of funds. The Executive Assistant will obtain a printout of the department's budget twice a month for distribution to the Chief of Police and management team, as needed.

201.3 PURCHASING AND EXPENDITURE APPROVAL

The Edmonds Police Department will make purchases using the current city guidelines published by the Finance Department. These guidelines establish policies and procedures for review and approval of expenditures. The current city guidelines are found in the City of Edmonds Purchasing Policies and Procedures Manual maintained by the Executive Assistant to the Chief of Police. Procedures for the purchasing of furniture, equipment, supplies and services are addressed in that manual.

201.4 CASH CONTROL

The Edmonds Police Department has systems in place to document and record the use of cash funds that include receipts, supervisory approval and periodic audits.

The department limits actual cash collection and disbursement of funds to the receipt of money handled by Police Services Assistants at the walk-in counter (refer to Police Services Procedures Manual for control procedures of the Police Services Assistant's fund), and disbursement of funds through the detectives buy fund (see policy 600.6), and the petty cash fund as maintained by the Executive Assistant. Any money that is taken in for "safeguarding" or "seized" will be handled and processed as evidence.

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All funds will have at a minimum:

(a) A balance sheet or ledger that identifies the initial balance, credits, debits and the balance on hand.

(b) Receipts or documentation for cash received.

(c) Authorization for cash disbursement, including the police chief's authorization for expenses in excess of a given amount.

(d) Documentation for cash expenditures.

(e) A quarterly audit of funds.

The Finance Department is responsible for conducting a yearly audit of all cash funds. This audit should be completed within 60 days of the end of each budget year. The finance department may also conduct random audits without notice, as can representatives of the Washington State Auditor's Office.

201.4.1 PETTY CASH FUND

The petty cash fund will be maintained and controlled by the Executive Assistant to the Chief of Police in a secure manner. The Executive Assistant will maintain a ledger and receipts for all expenditures.

(a) The petty cash fund is utilized for miscellaneous purchases of $75.00 or less. This amount may increase at the discretion of the city council. The Chief of Police or an Assistant Police Chief will approve all expenditures from this fund.

(b) Employees authorized to disperse petty cash funds are the Chief of Police, Assistant Police Chiefs and the Executive Assistant.

    1. The person disbursing funds shall complete a voucher for each expenditure. The employee making the purchase shall sign the voucher when receiving the funds.

(c) All petty cash expenditures shall be confirmed by receipt (to be attached to voucher).

These funds will be replenished by the Executive Assistant in compliance with established city guidelines. The fund will be reconciled quarterly by the Assistant Chief of Support Services.

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Goals and Objectives

205.1 PURPOSE AND SCOPE

To insure direction and unity of purpose and to serve as a basis for measuring progress, written goals and objectives will be written for the department and each division and unit.

205.2 GOAL DEVELOPMENT

Goals and objectives will be updated annually. Each goal and objective will be specific, measurable, quantifiable, and attainable.

Department employees may participate in the development of goals and objectives by providing written input through the applicable chain of command. Once the goals and objectives are written, the departmental, division and unit goals will be posted adjacent to the unit workplace.

205.3 WRITTEN PROGRESS OF GOALS

Reports on all division and unit goals will be submitted to the Chief of Police every trimester. They will be included in a goal summary report, which will be made available to all employees upon request.

Progress made toward the attainment of goals and objectives will be listed within the annual report submitted by each division/unit supervisor. The annual report, which will be submitted to the Chief of Police, will reflect particular goal achievement, why goals were not achieved, and what goals need to be carried over to the next year.

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Training Policy

208.1 PURPOSE AND SCOPE

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

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 OBJECTIVES

The objectives of the Training Program are to:

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

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

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

208.4 TRAINING PLAN

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

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

1. Federal and Washington Court cases.
2. Legal updates.

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

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

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

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

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The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING DOCUMENTATION

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

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

208.6 TRAINING PROCEDURES

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

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

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

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

208.7 MANAGEMENT REVIEW AND ANALYSIS

In an effort to ensure that the department's training objectives are being met, periodic management reviews of training conducted, hosted and attended by department members should occur with a focus on ensuring that the training is beneficial and addressing the needs of the department and its members.

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Furthermore, to ensure that officers and supervisors are receiving appropriate training and guidance in the high liability areas associated with police work, an annual review and analysis of vehicle pursuits, use of force incidents and complaints against employees shall be conducted at the command level, with final review and approval by the Chief of Police. Any deficiencies or needs in training, policy, procedure and/or personnel issues that are identified during this review process should be addressed.

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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 the Department electronic email system 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). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

See also, City of Edmonds Information Services Acceptable Use Policy.

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 E-MAIL

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

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

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

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212.4 EMAIL RECORD MANAGEMENT

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

The Executive Assistant (or designee) shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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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

All outgoing formal written correspondence from members of this department must be type written (including the envelope), bear the name of the Chief of Police and must have prior approval from the employee's supervisor. All formal correspondence should be on department letterhead. Any correspondence related to policy, discipline, or any sensitive subject, shall have the prior approval of the Chief of Police or designee. **The following is an example format:**

January 25, 2016

Mr. John Doe

123 4th Avenue South

Edmonds, WA 98020

Subject:

Mr. Doe: This is a sample letter format. The employee sending this letter should sign it above their name. Thank you for your assistance.

Respectfully,

Edmonds Police Department

Al COMPAAN

CHIEF OF POLICE

Robert Jones

Patrol Officer

RJ/abc (Initals of composer)

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214.4 SURVEYS

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

214.5 GENERAL ORDERS

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

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

General Orders are issued by the Chief of Police.

General Orders will be issued for the following:

(a) Implementation of permanent standards in the form of procedures, policies, and manuals related thereto.

(b) Permanent changes in the organization.

(c) Installation of permanent programs affecting more than one unit.

(d) Permanent personnel policies and procedures not including changes in personnel status.

(e) Authorization of the use of police facilities, equipment, and of expenditure funds.

(f) Relationships with citizens and other agencies.

(g) General Orders shall follow the format and structure as follows. The first page will utilize a standard General Order format. General Orders adopted as a standard will reference the standard number and will be distributed in the proper format for placement in the standards manual. TO: FROM: GENERAL ORDER: (Two digit year number) - Sequence # REFERENCE STANDARD NUMBER: TOPIC: DISTRIBUTION:

(h) General Orders will have a foot note with the General Order number, page numbers, i.e. Page 1 of 1, and effective dates.

(i) General Orders will indicate, in distribution code, the extent of coverage required by the nature of the order:

1. Distribution "A" is to be used when the order is made known to all personnel without issuing individual copies.

2. Distribution "B" is to be used when copies of the order are to be issued to individual members of the department. A General Order is usually distribution "B".

3. Distribution "C" is to be used when the order is to be made known to all members of the department, but individual copies are to be issued to supervisors and Assistant Police Chiefs.

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4. Distribution "D" is to be used when the order is to be made known to all members of the department, but individual copies are to be issued only to specific personnel.

214.6 SPECIAL ORDERS

Special Orders are issued by the Chief of Police or Assistant Police Chief to announce policies or specific procedures concerning a circumstance or event of a one-time or temporary nature such as:

(a) Assignment to special events.

(b) Annual budget preparation and deadlines.

Special Orders shall be prepared in the format indicated for General Orders. The numbering shall consist of the last two digits of the calendar year, followed by a sequential number for each order issued during that year. The distribution code is the same as for General Orders. Special Orders may indicate either a date of termination for a specific period during which the order is valid, or will automatically terminate at the completion of the specific assignment if termination date is not specified. The order is canceled upon termination or completion of the effective period or assignment.

214.7 OPERATIONAL ORDERS

Operational Orders are issued by the Chief of Police or Assistant Police Chief to reflect the field implementation of new procedures, shift changes, uniform changes, and other related matters. Operational Orders shall be prepared using the format shown for General Orders. Operational Orders will be numbered with the last two digits of the calendar year, followed by the sequential number.

214.8 MEMORANDA

Memoranda are issued to disseminate information, instructional material, or data of general interest to departmental personnel. Below division level, memoranda may be issued to establish written procedures and instructions for accomplishing assigned tasks of a temporary nature.

(a) The Assistant Police Chiefs are authorized to issue division memoranda. Division memoranda are restricted to information or direction that affects only assigned personnel and interim operations of the division or unit. Such publications must conform to the policies and procedures established in departmental standards.

(b) Supervisors may issue memoranda pertaining to operating procedures, practices, and work assignments related to the internal direction and functioning of the unit or shift. Memoranda must conform to policies and procedures established in department or divisional standards. Subjects of department memoranda could include:

1. Announcements of department, community, civic, or social events.

2. Information on actions, policies, and events of other agencies.

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3. Instructions and information concerning academic or instructional programs of general interest.
4. Explanation or clarification of previously issued orders.

Memoranda shall be prepared using the standard department memo format. Memoranda are not formally numbered and are maintained by the subject and date. Memoranda distribution shall be indicated in the section of the memo stating who is to be the recipient. The authority for issuance shall be clearly identified in the section of the memo indicating the origin. This must be the unit or shift supervisor, respective Assistant Police Chief, or Chief of Police.

Written interpersonal communications and inquiries are not to be confused with memoranda. Unlike a memorandum, an interpersonal communication or inquiry is not a department written directive and therefore need not conform to the restrictions established for memoranda.

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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 shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels are addressed in the current Labor Agreement. Shift Sergeants will ensure that at least one field supervisor is deployed during each shift.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training, leave requests and other unforeseen circumstances, a corporal may be used as a field supervisor in place of a sergeant.

With prior authorization from the Field Services Assistant Police Chief, a corporal may act as the Shift Sergeantfor a limited period of time.

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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.

218.2 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.

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 two complete sets of fingerprints to be forwarded to the Washington State Patrol (RCW 9.41.070 (4)).

218.3.1 REQUIRED WARNINGS

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

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

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

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

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voided or revoked, or as otherwise provided in the department's established records retention schedule (RCW 9.41.070(4)).

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

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

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

218.4 LICENSE RENEWAL

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

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

218.5 REVOCATION OF LICENSES

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

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

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

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

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

(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.

218.5.1 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

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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)).

218.5.2 FIREARM FORFEITURE

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

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

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

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

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

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

218.6 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.

218.7 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 a nonresident of the state in accordance with these procedures and state law.

218.8 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

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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.

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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 Edmonds Police Department who meet the qualifications of RCW 9.41.060 or RCW 36.28A.090 are authorized 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 firearms qualification for the basic law enforcement training academy in the state (RCW 36.28A.090).

220.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

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

(e) If applicable, a notation that: "This person qualifies as retired for service or physical disability under RCW 9.41.060(10)."

220.5 ISSUANCE OF FIREARMS CERTIFICATE

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

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

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

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

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

(j) Training and experience of the officer.

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

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

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

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

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

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

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.4 DEADLY FORCE APPLICATIONS

Officers shall only utilize deadly force when necessary and justified to effect lawful objectives. Use of deadly force is justified in the following circumstances:

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

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

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

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

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2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.5 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely and accurately in an appropriate report depending on the nature of the incident. Whenever an officer employs an amount of force that compels compliance from a person in the course of affecting an arrest, overcoming resistance, or controlling a dangerous situation, the officer will submit a Use of Force Report. The Use of Force Report will be submitted whenever an employee:

(a) Discharges a firearm in an official capacity, for other than training or recreational use.

(b) Displays or points a firearm at another person as a means of compelling compliance.

(c) Applies force through the use of lethal or less lethal weapons (e.g. impact weapons, OC Spray, submission holds, ramming or blocking vehicles, canine, or other weapons).

(d) Applies physical force, which is defined as the use of a come-along, pain compliance measure, or other hand-to-hand technique used to gain physical control over, or subdue a non-compliant person being taken into custody.

(e) Has physical contact with a person, who later alleges they have been injured as a direct result of that physical contact.

The following are not considered a use of force for reporting purposes on a Use of Force Report:

(a) Handcuffs when applied/used in accordance with department approved training, as a restraint in arrest and transport activities.

(b) Unholstering a firearm as a precautionary measure, such as while conducting a building search.

(c) Handhold used to escort a non-resisting person.

(d) Mere presence of a police canine.

(e) Issuance of tactical commands (verbal judo).

(f) Physical removal of peacefully resisting demonstrators, not resulting in injury.

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(g) Assisting medical professionals with nonresistant patients.

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

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

(h) An individual was struck or kicked.

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

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

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

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

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

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medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 USE OF FORCE REPORT REVIEW/ANALYSIS

All use of force reports will be sent to the Chief of Police via the chain of command. The reports will be reviewed to insure that policy, training, and disciplinary issues are addressed. The use of force reports will be maintained by the Professional Standards Sergeant.

The primary use of force instructor for the department shall conduct an annual review of the use of force reports. The annual review shall be utilized to reveal patterns or trends that could indicate training needs and/or policy modification. A report on the review shall be provided to the Chief of Police.

300.8 SUPERVISOR RESPONSIBILITY

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

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

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

(c) Separately interview the subject(s) upon whom force was applied.

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

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

(f) Review and approve all related reports.

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

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

(i) Complete a supplemental narrative for the related case report regarding your supervisory and/or investigative actions.

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

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300.8.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.9 TRAINING

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

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

The Use of Force Review Board may also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

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

302.4.1 COMPOSITION OF THE BOARD

The Support Services Assistant Police Chief should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command

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- Training Corporal
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

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

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional

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actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Assistant Police Chief for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

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

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

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

306.3.1 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.

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

No person 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).

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

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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

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

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

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

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

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

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

(f) When transported by 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).

306.8 REQUIRED DOCUMENTATION

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

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

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

(b) How the suspect was transported and the position of the suspect.

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

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

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Lateral Vascular Neck Restraint System (LVNR)

307.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Lateral Vascular Neck Restraint System (LVNR™) is considered a less lethal use of force and is intended to temporarily incapacitate a violent individual, who is actively resisting arrest or assaulting officers, without causing serious injury. It is anticipated that the appropriate use of such a technique will result in fewer serious injuries to officers and suspects.

307.2 DEFINITIONS

(a) Lateral Vascular Neck Restraint (LVNR™): This technique is a control system that impedes blood flow to and from the brain through the arteries and veins. The LVNR™ control system is considered to be a less lethal use of force.

(b) Any other technique that applies pressure to a subject's neck, which is not in compliance with the department's LVNR™ control system shall be considered a choke hold and thus a lethal use of force.

1. The Bar Arm submission hold, or "choke hold", inhibits breathing by compression of the airway in the neck. The Bar Arm Control Hold is specifically prohibited as a technique of choice.

307.3 POLICY

Only those officers trained and certified by LVNR™ instructors shall be authorized to use the LVNR™ neck hold as a less lethal use of force.

(a) Newly hired personnel who have obtained LVNR™ training and certification prior to employment with this department must demonstrate knowledge and proficiency in the use of the control system to Edmonds PD authorized and certified LVNR™ instructors prior to being authorized to use the LVNR™ control system.

The use of an LVNR™ may be employed to take a person into custody who is actively resisting arrest and/or assaulting officers if no other authorized less lethal options are available and/or reasonably likely to be effective in overcoming the subject's resistance to being taken into custody or being controlled. In considering the availability or reasonable effectiveness of less lethal options, the circumstances and the emergent nature of the situation will be taken into consideration.

The degree of control and LVNR™ compression applied by an officer shall be based on the level of resistance offered by the subject. The angles of compression may be raised or lowered based on the subject's response to verbal commands given and compression applied by the officer. (i.e.) The level of compression shall be reduced as the subject's compliance or resistance is lowered.

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307.3.1 POST APPLICATION PROCEDURES

Following the application of the LVNR™ the following post application procedures should be followed:

(a) The subject should be handcuffed whether conscious or unconscious.

(b) All objects such as clothing or jewelry should be loosened around the neck area.

(c) Whenever an officer uses a LVNR™ (by definition includes the application of pressure against the neck), the subject shall be promptly examined by aid or medic personnel. The officer shall also notify their on-duty supervisor. In all cases where a subject has been rendered unconscious at any time by a LVNR™ application, the subject will be transported by aid car to the nearest hospital facility to receive a medical clearance.

(d) If conscious, the subject should be placed in a seated position or placed lying on his/her side in a position that provides unobstructed breathing. If unconscious, the subject's pulse should be checked and CPR administered as necessary. If only unconscious the subject should be placed in a seated position and revived using the palm reviving technique.

(e) If rendered unconscious the subject should remain under a 4-hour visual observation period or as long as the subject remains in Edmonds PD custody.

(f) Photograph and document any injuries.

(g) A use of force report shall be completed after any LVNR™ application.

307.4 TRAINING

The certified LVNR™ instructor will include training for officers on the use of the LVNR™ during the annual use of force instruction. The training program will include, but not be limited to, the following areas of concern:

(a) The circumstances known to the officer that permit the use of a Lateral Vascular Neck Restraint and the circumstances under which such holds should not be used.

(b) The application of the Lateral Vascular Neck Restraint.

(c) The generally known potential risks associated with the Lateral Vascular Neck Restraint.

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control 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 Edmonds Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster or department approved 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.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES

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

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

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Sergeant, Incident Commander or specialty unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

308.7.1 OC SPRAY

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

308.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

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308.8 POST-APPLICATION NOTICE

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

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

308.9.1 DEPLOYMENT AND USE

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

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

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

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

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

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

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

308.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

308.10 TRAINING FOR CONTROL DEVICES

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

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

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

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

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Electrical Weapon

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER® devices.

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

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

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

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

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

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

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

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

309.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

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

309.5 USE OF THE TASER DEVICE

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

309.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

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

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

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

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

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge should be submitted into evidence. The cartridge serial number should

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be noted and documented on the evidence paperwork. The involved officer will notify the Training Corporal via e-mail of the discharge. The Training Corporal will download and store the application data from the TASER device.

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

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty with the exception of authorized off-duty employment.

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.

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

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

309.7 MEDICAL TREATMENT
Absent extenuating circumstances or unavailability, only qualified medical personnel, including certified fire department personnel, e.g. EMT's and/or paramedics, should remove TASER darts from a person's body. Used TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

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

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

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(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

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

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

309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

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

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

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

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

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

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

The Training Corporal should ensure that all training includes:

(a) A review of this policy.

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

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

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

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

(f) De-escalation techniques.

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

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Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. 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 will normally rely upon the Snohomish County Multiple Agency Response Team (SMART) for investigating officer-involved shootings. A different outside Law Enforcement agency may be used if the incident occurred in a jurisdiction outside of Snohomish County.

310.3 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Assistant Police Chief.

(b) A criminal investigation of the involved officer(s) conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved officer's agency.

(d) An administrative investigation/review conducted by the involved officer's agency, to determine if there were any violations of department policy.

310.4 JURISDICTION

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

310.4.1 EDMONDS POLICE DEPARTMENT OFFICER_DEPUTY WITHIN THIS JURISDICTION

The Edmonds Police Department or SMART is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation/review. The criminal investigation of the officer-involved shooting will be coordinated by the County Prosecutor's Office and SMART.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Edmonds Police Department and/or SMART is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be coordinated by the County Prosecutor's Office, SMART and the agency of the involved employee. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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310.4.3 EDMONDS POLICE DEPARTMENT OFFICER_DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Edmonds Police Department will conduct timely civil and/or administrative investigations/reviews.

310.5 THE INVESTIGATION PROCESS

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

310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any officer(s) who did not actually discharge their weapon(s).

    1. In the event that there are no officers who had not discharged their weapon(s), the supervisor should attempt to obtain a brief voluntary overview from one or more of these officers.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.

(e) Provide all available information to the Incident Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(g) As soon as practical, officers having discharged their weapon(s) should respond or be transported (separately, if feasible) to the station for further direction in accordance with direction provided by the entity conducting the investigation.

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

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2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon as soon as is practicably possible or be transported to the station by other officers.

310.5.2 SHIFT SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Assistant Police Chief.

310.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable (and in accordance with investigative protocol):

- Chief of Police
- Assistant Police Chiefs
- SMART
- Public Information Officer
- Psychological/Peer support personnel
- Medical Examiner (if necessary)
- Officer representative (if requested)

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

310.5.4 MEDIA RELATIONS

If the incident is investigated by SMART, all press contacts and media releases will be conducted by and facilitated by the assigned SMART PIO.

If SMART is not involved, appropriate media releases shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Sergeant, Assistant Police Chief and Public Information Officer in the event of inquiries from the media.

The officer's name will normally be released to the media, upon request, after 48 hours. Nothing in this policy precludes the Department from withholding the officer's identity beyond that 48 hour period during the course of an active investigation or releasing it sooner as dictated by circumstances. No involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Assistant Police Chief.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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310.5.5 INVOLVED OFFICERS

The term "Involved Officers" pertains to officers who have discharged firearm(s) which results in the death or injury of another person. Officers are admonished that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

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

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with department representatives (e.g., employee bargaining unit) will be privileged only as to the discussion of non-criminal information.

(d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

    2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) The Department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060).

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Detective Unit supervisor to coordinate activities with the SMART investigators and to assign appropriate detective personnel to handle the investigation of related crimes. Detectives may be assigned to work with investigators from SMART and may be assigned to conduct separate investigations of any related crimes not being investigated by SMART.

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All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Administrative reports will be forwarded to the appropriate Assistant Police Chief.

310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize SMART investigators, in coordination with the County Prosecutor's Office, to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the SMART or County Prosecutor's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Professional Standards personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

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

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

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

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Officers should seek consent to record such statements whenever possible.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation or review to determine conformance with department policy. This investigation or review will be conducted under the supervision of the Assistant Chief of Police selected by the Chief and shall be in accordance with the provisions of the Police Officer Bill of Rights in the current labor agreement.

(a) If it is determined that an officers state of sobriety is relevant to the investigation, any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent a search warrant or consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas so as to minimize duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview in accordance with the provisions of the Bill of Rights Agreement to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer'(s) physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, officers are admonished that the incident shall not be discussed except with authorized personnel or representatives.
3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
4. The officer shall be informed of all constitutional "Miranda" rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garrity admonishment).
5. The administrative interview shall be considered part of the administrative investigation file.
6. The assigned administrative investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of force policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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Firearms and Qualification

312.1 PURPOSE AND SCOPE

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

312.2 AUTHORIZED WEAPONS

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

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Assistant Police Chief. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.2.1 DUTY WEAPONS

The authorized departmental issued handgun is the Smith and Wesson MP, .40 caliber. Firearms carried on-duty shall be maintained in a clean, serviceable condition.

Optional Duty Weapon: The Edmonds Police Department will provide inspection, service and minor repair as needed for one weapon, either privately or city owned, every twelve months. The optional duty weapon shall be a .40 caliber weapon, recommended by the Rangemaster and approved by the Chief of Police. All expenses associated with an optional duty weapon, e.g. purchase of the weapon, holster and major repair, is the sole responsibility of the officer.

(a) A "Weapon Use Request and Authorization Form", signed by the Chief of Police, must be in the officer's file before either a second weapon or an optional duty weapon is authorized.

312.2.2 AUTHORIZED SECONDARY WEAPONS

The department does not require the carrying of an on-duty second weapon. If an officer carries a second weapon, it must be a semi-auto pistol or revolver of at least .380 caliber but not greater than .45 caliber with a minimum 1.75 inch and maximum four inch barrel approved by the Chief of Police. All expenses associated with this weapon e.g., purchase of the weapon, holster, maintenance, repair, qualification and duty ammunition is the responsibility of the officer. A "Weapon Use Request and Authorization Form", (EPD 001), signed by the Chief of Police, must be in the officer's file before a Second Weapon is authorized.

Officers desiring to carry a secondary weapon are subject to the following restrictions:

(a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Ruger, Sig-Sauer, etc.).

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(b) Only one secondary weapon may be carried at a time.

(c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) The weapon shall be subject to inspection whenever deemed necessary.

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

(f) Personnel shall qualify with the secondary weapon under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon.

(g) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster.

312.2.3 OFF-DUTY WEAPONS

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Regular officers are not required to be armed off duty except for the following four subsections, which requires them to carry only department issued or other approved handguns:

(a) When riding in a marked police vehicle.

(b) While working off duty at any employment where police authority is required.

(c) When in the police station (it will be sufficient to have a handgun readily available in this instance).

(d) Any time when in full uniform off duty.

When armed, whether on or off-duty, officers shall carry their department identification.

312.2.4 AMMUNITION

Officers shall carry only department authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the schedule above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.2.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

312.2.6 LASER SIGHTS

Laser sights may only be installed on a weapon carried on duty after they have been examined and approved by the Rangemaster and Command Staff.

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(a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

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

312.3 SAFE HANDLING OF FIREARMS

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

312.3.1 SAFETY CONSIDERATIONS

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

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Dry practice (the process of manipulating, aiming and triggering your firearm without ammunition) or practicing drawing a weapon from a holster, at home or outside of a range training environment, will only be performed in strict compliance with instruction provided by department firearms training staff and by following applicable firearms safety rules. Department firearms training staff will provide periodic refresher training on safe dry practice techniques. These provisions apply to any department issued handgun or handgun authorized by the department for duty use. Dry practice with department issued rifles or rifles authorized for duty use is not authorized outside of a department sanctioned range training session.

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

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

(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the holding facility or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the holding facility with any firearm.

(f) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor and only if the officer has been formally trained in their use.

(g) Any weapon authorized by the department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be

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in need of service or repair during an inspection by the department Rangemaster 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 again rendered serviceable.

312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all department owned firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to attend all range sessions designated as "mandatory" and qualify with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of all qualifications, repairs, maintenance, training or as directed by the Training Corporal. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

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

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first qualification 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 weapon proficiency is demonstrated.

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

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

1. Unauthorized range make-up.
2. 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.

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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 (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

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. Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

312.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on-duty or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy. 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.

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Assistant Police Chief or provide a statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

In all cases (other than training or recreational use) a Use of Force Report will be submitted.

312.8 RANGEMASTER DUTIES

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

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The Rangemaster has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.9 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

A Department Armorer shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department-issued weapons not performed by a department armorer must be approved in advance by the Rangemaster and accomplished by a department-approved gunsmith.

Any repairs or modifications to the officer's personally owned duty weapon shall be done at his/her expense and must be approved by the Rangemaster.

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, the officer's signature and the signature of the Chief of Police or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) 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.

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(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 officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

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

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

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 hallucinatory 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 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.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Pursuits of suspected or known violators of the law potentially exposes 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 guidance in balancing the safety of the public and themselves against law enforcement's mission to apprehend violators of the law whose past, continuing or suspected future criminal actions pose a threat to public safety. Another purpose of this policy is to reduce and minimize the potential for pursuit related accidents. 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 criminal suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

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

It shall be the policy of the Edmonds Police Department to not engage in pursuits of eluding drivers if the only basis for initiating the attempted traffic stop is a traffic infraction or non-violent misdemeanor crime. This limitation does not apply to suspected Driving Under the Influence or Reckless Driving criminal offenses.

314.1.1 VEHICLE PURSUIT DEFINED

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

314.1.2 ATTEMPTING TO ELUDE

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

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314.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a motor vehicle pursuit shall be conducted only with emergency lights and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road. The following policy is established to provide officers 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 who have successfully completed a program of testing, training, and skill evaluation designed to provide an awareness of their limitations as drivers will be authorized to engage in pursuits.

314.2.1 WHEN TO INITIATE A PURSUIT

Officers must recognize that vehicle pursuits can be one of the most dangerous activities they may engage in regarding the safety of both the officer and the general public. Officers must take into account and balance the following considerations when initiating or continuing a pursuit:

(a) The seriousness of the originating crime and the continuing threat to the community safety or crime victim if the suspect is not apprehended (minor property crime or inherently dangerous felony?).

(b) The safety of the public in the area of the pursuit.

(c) The safety of the pursuing officers.

(d) The time of day and visibility.

(e) The volume of vehicular and pedestrian traffic.

(f) Location of pursuit.

(g) Weather and road conditions.

(h) Familiarity with the area of the pursuit.

(i) Speeds involved.

(j) Quality of radio communications between pursuing unit(s), the dispatcher, and the supervisor.

(k) The mechanical capability of the police vehicles involved.

(l) The personal ability, experience, and training of the officer(s) involved.

(m) Is the nature of the driving by the fleeing vehicle such that it represents a serious threat to the safety of persons along the vehicle's path if allowed to continue? (D.U.I. and/or Reckless)

(n) Is a subsequent arrest of the criminal suspect possible or probable based upon his or her identity being known to the pursuing officer(s)? If so, there may be less of or no reason to pursue, depending on the nature of the crime.

(o) Availability of assistance from other officers.

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314.2.2 WHEN TO TERMINATE A PURSUIT

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 criminal offense against the potential danger to innocent motorists, residents, pedestrians and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

Termination of a pursuit shall occur under either of the following conditions:

(a) In the opinion of the officer, the field supervisor, and/or the shift commander, the level of danger created by the pursuit outweighs the necessity for immediate apprehension of the criminal suspect.

(b) The criminal suspect's identity has been established to the point that later apprehension can be accomplished and there is no public safety or victim safety need for immediate apprehension. This restriction may be waived if the suspect has committed an inherently dangerous felony.

314.3 PURSUIT UNITS

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

314.3.1 MOTORCYCLE OFFICERS

(a) Unmarked patrol vehicles and motorcycles, equipped with emergency lights and siren, may engage in pursuits. However, as soon as a fully marked vehicle becomes available to take over the pursuit, it should do so and the unmarked patrol vehicle or motorcycle should withdraw and act as a support vehicle.

(b) Unmarked detective and staff cars will not engage in pursuits.

(c) Support vehicles will follow the progress of the pursuit non-code, acting as a relay to SNOCOM if needed.

(d) Generally, other units should not run code on parallel streets. If it becomes necessary to do so (e.g., to set up a roadblock, to get into position to assist with arrest, etc.), it will be done only with the approval of the shift supervisor.

314.3.2 PRIMARY UNIT RESPONSIBILITIES

When a motor vehicle pursuit is initiated, it shall be immediately reported to the dispatcher by the officer initiating the pursuit. In a pursuit, the officer shall activate all emergency equipment (lights

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and siren). Spotlights will not be used during any vehicle pursuits. Initial information reported should include:

(a) Reason for pursuit.

(b) Description of fleeing vehicle.

(c) Occupant information.

(d) Location and direction of pursuit.

(e) Speeds involved.

(f) Road conditions and traffic volume.

314.3.3 SECONDARY UNIT(S) RESPONSIBILITIES

Unless otherwise directed by a field supervisor, no more than two police vehicles will become involved in the pursuit. The back-up unit, when joining the pursuit, will assist with information dissemination concerning:

(a) The direction of travel and cross streets.

(b) The location of the stop.

(c) Any other information that could assist in apprehension, promote officer safety, or aid the supervisor in making decisions as to whether or not to allow the pursuit to continue. This will also allow the primary unit to concentrate on the pursuit.

314.3.4 PURSUIT DRIVING TACTICS

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

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

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

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

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

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:

    1. Requesting assistance from an air unit.

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2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspect(s).

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

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

(f) Police vehicles containing victims, witnesses, suspects, prisoners, explorers, civilian riders, or any other non-police personnel (including officers from other agencies when not on official business) shall not become involved in pursuits.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

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

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Upon notification, the field supervisor shall assume overall control over the pursuit and, in the exercise of their discretion, may order specific units in or out of the pursuit, allow continuation of the pursuit, or order the immediate termination of the pursuit.

(c) Request copy of pursuit tape from SNOCOM.

314.5 COMMUNICATIONS

It will be the responsibility of the dispatcher to notify the field supervisor and/or watch commander of the pursuit, including available information.

For specifics regarding the responsibilities of the contracted dispatch agency the SNOCOM Policy/ Procedures manual should be consulted.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

Should an officer of this department initiate a pursuit that leaves the City of Edmonds, the decision to continue or terminate must be reevaluated in terms of the factors outlined under officer responsibility. If the decision is to continue, the officer involved should remain the primary pursuit unit, not expecting the other agency to take over the pursuit. If the pursuit is terminated while in another agency's jurisdiction, that agency MUST be notified immediately of that decision. When deciding whether to continue pursuit outside the city, we must also consider that our primary responsibility is to our citizens, and we cannot leave them unprotected.

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314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Edmonds Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Pursuits initiated by an outside agency and entering our jurisdiction should be considered that agency's pursuit. Edmonds officers will only become involved at the direction of the supervisor. Any officers becoming so involved will be governed by this policy. The mere fact that we have been advised that another agency is entering our jurisdiction in pursuit is not authorization to join in the pursuit. No Edmonds officers will continue the pursuit outside of our jurisdiction. Any time a pursuit initiated by an outside agency enters our jurisdiction, and is subsequently terminated by that agency, any officers from this department who had joined the pursuit will immediately terminate as well.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology and techniques such as ramming, barricading a roadway, roadblocks and spike strips.

(a) A police vehicle may be used to hit, block, or force another vehicle off the road only after all other reasonable alternatives have been exhausted and when the pursuing officer possesses reasonable grounds to believe that the fleeing vehicle and/or occupant(s) constitute an immediate threat to human life. The use of a vehicle to ram or otherwise disable a suspect's vehicle is considered deadly force, and will only be used when deadly force is warranted. Such maneuvers will only be done with supervisor approval.

(b) Barricading a roadway (roadblock) must be considered as a force likely to result in death. Therefore, it will only be allowed when deadly force is warranted. This method is only to be used as a last resort, when all other means of stopping the vehicle have been exhausted, and the vehicle and/or occupant(s) present an immediate threat to human life. This will only be done with the approval of the supervisor. Under NO circumstances will occupied vehicles barricade a roadway.

    1. Private vehicles must never be used as barricades. The duty of the department is to assist citizens, wherever possible, in removing their vehicles from the path of a pursuit.

(c) A roadblock is a barricade using vehicles or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle. For the safety of all persons involved, including the suspect, an escape route must always be left in the barricade.

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314.7.1 WHEN USE AUTHORIZED

Spike Strips are a device that extends across the roadway designed to puncture the tires of the pursued vehicle.

(a) The spike strip will be used only after supervisory approval.

(b) All users must have received training in the use of the spike strip prior to it being deployed.

(c) All officers involved with an incident in which the deployment of the spike strip is used will be on the same radio frequency.

(d) The operator of the spike strip will be informed of the following:

1. Location of the suspect vehicle or pursuit.
2. Direction and speed of pursuit.
3. Erratic driving behavior.
4. Possible weapons involved.
5. Any other information that will assist the operator of the spike strip.

(e) When deploying the spike strip, several precautions should be considered:

1. The operator deploying the spike strip should do so from a position of safety.
2. The spike strip should not be used in locations where specific geographic configurations increase the risk of serious injuries to the operator, violator, or the public (alongside creeks, embankments, curves, trees, etc.).
3. Traffic cones or flares should be set up, if possible.
4. If the spike strip is deployed on a two-way street, oncoming traffic should be stopped a safe distance from the actual deployment site.
5. As the suspect approaches the deployment site, the spike strip operator should place the spike strip onto the roadway surface and then let go of the device to avoid injury.
6. When nearing the deployment area, the pursuing officers and the officer deploying the device must maintain communication. The pursuing officers must back off to allow the device to be removed from the roadway.
7. The operator should remove the spike strip as soon as practical.
8. The spike strip shall not be used to stop a fleeing motorcycle. The use of the spike strip on a motorcycle is considered deadly force.

(f) Every effort should be made to avoid uninvolved motorists running over the spike strip. If an uninvolved motorist does run over the spike strip, the driver should be contacted as soon as possible to explain the situation. They should be directed to file a claim for damages with the city.

(g) Whenever the spike strip is deployed, a use of force report will be filed.

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(h) If the deployment of the spike strip causes a property damage collision (other than damage to tires and wheels) or injury collision, an investigation shall be conducted.

314.7.2 USE OF FIREARMS

When in a pursuit, officers should not shoot at a fleeing vehicle except in the most extreme cases to save the life of the officer or another. The use of firearms is considered deadly force, and will only be used when deadly force is warranted.

314.7.3 CAPTURE OF SUSPECTS

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

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

314.8 REPORTING REQUIREMENTS

All pursuits will be documented on an investigative report form and a use of force form. A copy of the report will be given to the Chief of Police for review. A copy of the pursuit dispatch recording will be requested by the shift supervisor for review by the Chief of Police or designee and for evidentiary purposes.

A copy of all pursuit reports will be furnished to the Professional Standards Sergeant.

The Professional Standards Sergeant or designee will review all pursuit reports annually to determine patterns or trends that indicate training needs and/or policy modifications.

314.9 PURSUIT POLICY DEVIATION

Nothing contained in this policy shall restrict a member of this department from deviating from established procedures and initiating lawful alternative action when required by an emergency situation or other exigent circumstances. Justification for the deviation may be required at the conclusion of the emergency.

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

Call response will normally fall into three different categories: **Emergency calls, Quick response calls and Routine calls for service**.

(a) **Emergency calls** are divided into two categories. They are:

1. **Emergency Situations requiring haste**: When responding to injury collisions, armed robberies, emergency aid calls, suspect resisting arrest, assault in progress and other emergency situations which require haste, officers will drive no faster than necessary to arrive safely at their destination. Emergency lights and siren should be used and Officers are required to maintain safe vehicle operation. Supervisors should monitor and limit, as necessary, the number of officers responding Code-3. Back up or assisting vehicles should respond non-code.

2. **Life or death situations**: In responding to life or death situations, such as officer needs help, child not breathing or a shooting, Code-3 must be used. When responding to such calls officers must take into consideration street, weather, and traffic conditions.

Officers responding Code-3 shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary to warn others of the emergency nature of the situation, pursuant to RCW 46.61.035. Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without emergency lights and siren does not provide any exemption from the RCW. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

(b) **Quick response calls** require a response without delay, such as, disturbances, non-injury collisions, and other non-emergency situations. Officers will not normally respond to these situations Code-3 unless facts can be articulated to justify a code response.

(c) **Routine calls** are any dispatched event that does not meet the criteria of a Code-3 response or quick response. Routine calls are where the call is not affected by the response time of the officer. Speed limits and traffic laws are observed.

316.3 REQUESTING EMERGENCY ASSISTANCE

To enable field units to notify SNOCOM or other units as to their status on an incident, or if back up is needed (and in what quantity), a system of status "codes" has been developed by SNOCOM. The codes being used are as follows:

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(a) Code 1 - When announced, an officer is requesting a non-emergency back up. One back up officer will be dispatched (unless otherwise indicated), and generally, responding officers will not use emergency equipment, realizing assistance is being requested and that the responding officer(s) should proceed without delay. This code is not to be used for what would be considered administrative requests (need paper, advice, etc.).

(b) Code 2 - This is an emergency situation response by available units usually from, but not limited to, the jurisdiction of the requesting officer. Two or more units may respond, more at the discretion of the dispatcher or supervisor. Responding units may use their emergency equipment to facilitate their response to the scene.

1. The air will remain "open", unless requested by officers involved, the supervisor, or at the dispatcher's discretion. This decision should be based on the type of call, officers already at the scene, time of day, location of call, etc.
2. Officers not responding should try to limit their air traffic to necessary communications until a "Code 4" has been communicated from the scene.

(c) Code 3 - This code is to be used in situations where an officer is in a life threatening situation. This code warrants an emergency response by all available units, regardless of jurisdictional boundaries, unless otherwise directed.

1. Three alert tones will be sounded after the request is made. The air will be closed per policy.
2. Officers should only advise they are enroute, then keep the air clear unless they have pertinent information for the emergency at hand.

(d) Code 4 - This code is to be used by officers when there are no additional officers needed and the situation is under control.

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

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

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

Note: This policy section refers solely to an officers communication with the dispatch center in requesting assistance. References to "Code-3" in additional sections of this policy shall refer to an officers response to an incident with all emergency vehicle equipment activated.

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

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Dispatch Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Dispatch Center shall be notified and the Shift Sergeant or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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 lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an officer is responding Code-3, the Shift Sergeant or the field supervisor shall verify the following:

(a) The proper response has been initiated.

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

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

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

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

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

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

316.7 FAILURE OF EMERGENCY EQUIPMENT

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

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Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

318.2 POLICY

It is the policy of the Edmonds Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

318.2.1 PREPARATIONS FOR UTILIZING A CANINE

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

(a) The individual's age or estimate thereof.

(b) The nature of the suspected offense.

(c) Any potential danger to the public and/or other officers at the scene if the canine is released.

(d) The degree of resistance or threatened resistance, if any, the subject has shown.

(e) The potential for escape or flight if the canine is not utilized.

(f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the canine. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the canine shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the canine.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

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

318.2.3 USE OF NARCOTIC-DETECTION CANINES

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

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(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 deemed necessary.

(d) A narcotic-detection canine will not be used to search a person for narcotics.

318.2.4 GUIDELINES FOR NON-APPREHENSION USE

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

(a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.

(b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.

(c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

(d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

318.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a report shall be completed by the handler and submitted before going off duty.

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

(a) In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be labeled "Canine Incident - Do Not Destroy," and booked into evidence. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.

(b) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.

318.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Sergeant.

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Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian. Notification shall be made to the Canine Unit Coordinator and the Assistant Police Chief as soon as feasible.

The injury will be documented on a City Accident/Injury Form.

318.2.7 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Field Services Division to supplement and assist the Patrol Bureau.

Canine teams should function primarily as cover units. However, they may be assigned by the Shift Sergeant to other functions based on the needs of the watch at the time.

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 Sergeant.

318.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Services to function primarily in assist or cover assignments. However, they may be assigned by the Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Shift Sergeant.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Edmonds unless authorized by the Shift Sergeant or the Unit Coordinator.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

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

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

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318.4 SELECTION OF CANINE HANDLERS

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

(a) Edmonds Police Department officer (currently off probation) with three years experience.

(b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates).

(c) Have a garage which can be secured and accommodate a canine patrol vehicle.

(d) Live within 15 miles of the Edmonds City limits.

(e) Agree to be assigned to the position for a minimum of five years.

*Any other criteria for selection will be noted on position posting.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine vehicle in a garage, secured from public view.

(c) When a handler takes a vacation or extended number of days off, the canine vehicle should be maintained at the Police Department or Public Works facility.

(d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.

(f) 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 their handlers.

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1. The handler shall regularly inspect the kennel fencing, gate and lock for security and shall immediately report any maintenance needs to assure the canine is securely kenneled.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator, Shift Sergeant or ACOP.

(i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Shift Sergeant.

(j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

318.5.3 CANINE IN PUBLIC AREAS

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

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

318.5.4 HANDLER COMPENSATION

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

318.6 MEDICAL CARE OF THE CANINE

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

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Unit Coordinator.

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

All records of medical treatment shall be maintained in the canine handler's personnel file or other location designated by the Chief of Police.

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318.6.2 EMERGENCY MEDICAL CARE
The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

318.7 TRAINING

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

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

(a) Canine teams shall receive regular in-service training.

(b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.

(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 Edmonds Police Department.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Sergeant .

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE CJTC TRAINING
No canine team failing CJTC police service dog certification, and if cross-trained, certification in established standards, shall be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.7.3 TRAINING RECORDS
All canine training records shall be forwarded to and maintained by the Training Corporal.

318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by the Chief of Police and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Field Services Assistant Police Chief. The Unit Coordinator shall be responsible for, but not limited to, the following:

(a) Reviewing all Use of Force Reports involving canine use to insure compliance with policy, identify training issues and other needs of the program.

(b) Maintain liaison with the vendor kennel.

(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.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

(a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency.

(b) Provided the controlled substances are no longer needed as criminal evidence.

(c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

318.9.1 PROCEDURES

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

(a) All necessary controlled substance training samples shall be acquired from the Edmonds Police Department's evidence personnel or from allied agencies to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

(b) The Property Officer will maintain an inventory check-off sheet that will show when each training aid is checked out and in. In addition, the Property Officer/Evidence Tech will document the weight of each training aid when it is checked out and in.

(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. In the event that training aids are lost, damaged, or destroyed while in the custody of the handler, the handler will summon the on-duty supervisor to the scene of the incident to investigate the circumstances and to document it in a case report. The on-duty supervisor will document the repackaging of the recovered

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training aid and witness, when practical, the weighing of the substance prior to its return to evidence.

(d) All controlled substance training samples will be inspected, weighed, and tested every six months by the Property Officer. The results of this testing shall be recorded and maintained by the Property Officer with a copy forwarded to the Unit Coordinator.

(e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal 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 Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.9.2 IMMUNITY

Edmonds Police Department officers and any person working under their immediate direction, supervision or instruction, may possess controlled substances and paraphernalia only when such possession is in conjunction with the performance of their official duties, while providing substance abuse training to law enforcement or the community or while providing police canine drug detection training.

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Domestic Violence

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

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

320.2 POLICY

The Edmonds 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.

320.3 OFFICER SAFETY

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

320.4 INVESTIGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

320.4.1 HOSPITALIZED VICTIM

When responding to a medical facility regarding an injured person, officers should make a reasonable attempt to determine whether the injury was a result of domestic violence prior to contacting the victim or person who reported the incident.

If domestic violence is suspected, contact should be made with the medical facility representatives out of the view and hearing of the victim and any potential suspects when practical.

320.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim that a court order *may* be isued by the judge when the suspect is released from jail.

320.4.3 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

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

(b) Document the resolution in a report.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

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

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

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

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

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

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

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

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

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. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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 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.

320.8 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.

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320.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(5)).

(b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(6)(a).

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

320.10 REPORTS AND RECORDS

(a) Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(6)(b)).

(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)).

(c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Investigation Supervisor shall ensure that all domestic violence crime reports are forwarded to the appropriate prosecutor within 10 days of the date the incident was reported (RCW 10.99.030(9)).

(d) The Records Supervisor shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC), in accordance with state law (RCW 10.99.030(12)).

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Search and Seizure

322.1 PURPOSE AND SCOPE

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

322.2 POLICY

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

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

322.3 SEARCHES

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

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

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

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

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

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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322.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE

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

322.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

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

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

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

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

    1. Another officer or a supervisor should witness the search.

    2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized

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- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

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 Edmonds Police Department (42 USC § 5633).

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)(iv) 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.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

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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 Edmonds 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 Edmonds 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 Edmonds 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 Edmonds 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 Edmonds 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 that is suspected of being a victim.

No juvenile should be held in temporary custody at the Edmonds Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent 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 Edmonds Police Department (42 USC § 5633; RCW 13.04.116(b)).

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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 Edmonds 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 (42 USC § 5633).

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 (42 USC § 5633).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

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

324.4.4 LIMITATIONS ON RELEASE OF JUVENILE OFFENDERS

Juveniles should be referred to the appropriate juvenile authority and not released to a parent or guardian when there is probable cause to believe the juvenile (RCW 13.40.040(2)):

(a) Will likely fail to appear for further proceedings.

(b) Needs protection from him/herself.

(c) Is a threat to community safety.

(d) Will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.

(e) Has committed a crime while another case was pending.

(f) Is a fugitive from justice.

(g) Has had his/her parole suspended or modified.

(h) Is a material witness.

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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.

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented on the record of arrest/custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Edmonds Police Department.

(c) Any charges for which the juvenile is being held.

(d) Time of all welfare checks.

(e) Any medical and other screening requested and completed.

(f) 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 (42 USC § 5633). 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 Edmonds 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 Edmonds Police Department shall ensure the following:

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

(b) A staff 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.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the

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juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) 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.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be 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) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may 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 Edmonds 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 Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Edmonds Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

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The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Edmonds Police Department.

324.11 SECURE CUSTODY

Only juvenile offenders 14 years and older may be placed in secure custody. Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

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.

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(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Sergeant will ensure that procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Edmonds Police Department. The procedures taken will address:

(a) Immediate notification of the on duty supervisor, Chief of Police, Assistant Police Chief and/or Investigations Unit supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate investigative unit (such as SMART).

(d) 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.

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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Abuse of Vulnerable Adults

326.1 PURPOSE AND SCOPE

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

326.2 DEFINITIONS

Definitions related to this policy include (RCW 74.34.020):

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

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

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

DSHS - The Department of Social and Health Services.

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

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

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

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

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

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

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

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

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

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to RCW 74.34.020(11) any officer of the Edmonds Police Department is considered a mandated reporter. When there is reasonable cause to believe that abandonment, abuse, sexual or physical assault, financial exploitation or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the Department of Social and Health Services (DSHS) regardless of jurisdiction (RCW 74.34.035).

326.3.1 RECORDS UNIT RESPONSIBILITY

The Records Unit is responsible for providing a copy of the vulnerable adult abuse report to the DSHS. This requirement is applicable even if the initial call was received from DSHS.

326.4 OFFICER RESPONSE

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

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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 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 and/or mandated by statute. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization, however, the present and future safety of the victim is of utmost importance and institutionalization is generally preferable to continued abuse.

326.4.3 SUPPORT PERSONNEL

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

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

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should contact Adult Protective Services or the Prosecutors Office and make an attempt to obtain a protective order against

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the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; 74.34.150; 74.34.210; or other applicable statutes.

326.5 ELDER ABUSE REPORTING

Every allegation of vulnerable adult abuse shall be documented. Reporting of cases of vulnerable adult abuse is confidential and will only be released as per the Release of Records and Information Policy. The following information should be provided in addition to the general information provided on the crime report (RCW 74.34.035(8); RCW 74.34.040):

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

326.6 CONFIDENTIALITY OF REPORTING PARTY

Absent a judicial proceeding or the person provides consent, the identity of the person making the report under this section is confidential (RCW 74.34.035(9); RCW 74.34.040).

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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 Edmonds 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.

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

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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 an employee because of that person's sex.

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

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

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

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

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 an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

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, Human Resources Manager or the Mayor.

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

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

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

(e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

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 employees 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 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.

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

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

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

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

328.6 NOTIFICATION OF DISPOSITION

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

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, Mayor or the Human Resources Manager, if more appropriate.
- Maintained for the period established in the department's records retention schedule.

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328.8 TRAINING

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

328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources Manager or the Mayor, or they may contact the Washington State Human Rights Commission 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 Edmonds Police Department members are required to notify the Department of Social and Health Services, 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 Edmonds 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 Edmonds 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 13 years of age is in a vehicle being driven by the child's parent, guardian or legal custodian and that person is being arrested for a drug or alcohol-related driving offense (RCW 26.44.250).

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.

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

(c) Notification, when possible, should include (RCW 26.44.040):

1. The name, address and age of the child.
2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
3. The nature and extent of the alleged injury or injuries.
4. The nature and extent of the alleged neglect.
5. The nature and extent of the alleged sexual abuse.
6. Any evidence of previous injuries, including the nature and extent of the injury.
7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

(d) The Department shall forward all case dispositions to CPS.

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) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.)

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.

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(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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

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

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

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

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

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

(i) Previous addresses of the victim and suspect.

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

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

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

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 should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

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Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

(a) A court order has been issued authorizing the removal of the child.

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

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 record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

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

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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 Detective Unit Supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Unit Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

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 Detective Unit Supervisor so an interagency response can begin.

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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 Release and Security 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 Edmonds 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 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 Detective Unit Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

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).

330.11 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.

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(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 person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

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

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

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

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

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332.2 POLICY

The Edmonds 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 Edmonds 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 Detective Unit Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- 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.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

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 person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon

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as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) 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.

(i) Consider contacting the Washington State Patrol's (WSP) Missing and Exploited Children's Task Force (MECTF) on 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 the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Records Unit.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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332.6.2 RECORDS UNIT RESPONSIBILITIES
The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Detective Unit.

332.7 DETECTIVE UNIT FOLLOW-UP

The investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

    1. The notice shall be in writing and should also include a photograph.

    2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update WACIC, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(f) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).

(g) Should make appropriate inquiry with the Medical Examiner.

(h) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.

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(i) Should 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).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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 officers shall complete the following:

(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 three months 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 the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to MUPU.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.

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(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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

The Detective Unit Supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Edmonds 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.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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Public 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 EMPLOYEE RESPONSIBILITIES

Employees of the Edmonds Police Department should notify their supervisor, Shift Sergeant or Detective Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

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 Assistant Police Chief and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Assistant Police Chief

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 Edmonds 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.

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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 Sergeant or supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Sergeant or supervisor should:

(a) Collect the information required by the plan.

(b) Contact SNOCOM to request an activation of the Washington Statewide AMBER Alert Plan and the Portal.

1. SNOCOM initiates the state AMBER Alert process at the request of local law enforcement and notifies the Washington State Department of Transportation (WSDOT), Emergency Management Division (EMD) and Washington State Patrol ACCESS (A Central Computerized Enforcement Service System).
2. SNOCOM provides AMBER Alert cancellation notification to WSDOT, EMD and ACCESS.

(c) Provide the information required in the plan.

(d) Designate or assume the role of point of contact.

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334.4.3 INITIAL NOTIFICATIONS
Upon initiation of an AMBER Alert, the Shift Sergeant or supervisor shall:

(a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.

(b) Promptly notify the Chief of Police and the appropriate Assistant Police Chief of any AMBER Alert activation.

(c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:

1. A photograph.
2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

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 Edmonds Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person.

334.5.1 ADVISORY CRITERIA
All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance (RCW 13.60.010).

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(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 Sergeant or supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Sergeant or supervisor should:

(a) Direct Records Unit 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 Unit 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 the Dispatch 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 Unit 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 Unit 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 apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Edmonds 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.

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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 Sergeant or supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Sergeant or supervisor should:

(a) Request SNOCOM prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.

(b) Have SNOCOM 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) Ensure that a press release is issued cancelling the Blue Alert after notifying SNOCOM.

334.7 OTHER RESOURCE CONSIDERATIONS

The Shift Sergeant or supervisor should consider the following resources, as appropriate:

(a) Local allied law enforcement agency resources

(b) FBI local office

(c) The National Center for Missing and Exploited Children (NCMEC)

    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 Program

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 Edmonds Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Edmonds 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

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Edmonds Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should:

(a) Ensure that the Department affords victims and witnesses the rights (RCW 7.69.030).

(b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).

(c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

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.

336.5 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.

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.6 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 Support 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.

Malice and Maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable Person - A member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

Sexual Orientation - Heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 49.60.040(15)).

Threat - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

338.3 CRIMINAL STATUTES

338.3.1 MALICIOUS HARASSMENT

A person is guilty of malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (RCW 9A.36.080):

(a) Causes physical injury to the victim or another person.

(b) Causes physical damage to or destruction of the property of the victim or another person.

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(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

338.3.2 PRIMA FACIE ACTS OF HATE
Prima facie acts of hate are (RCW 9A.36.080):

(a) Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage.

(b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

338.3.3 THREATS TO BOMB OR INJURE PROPERTY
It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

338.3.4 FEDERAL JURISDICTION
The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

338.4 CIVIL STATUTES
In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

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338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(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) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

338.6.1 DETECTIVE UNIT RESPONSIBILITY

If a case is assigned to the Detective Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 36.28A.030).

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Conduct

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.

Employees are entitled to protections afforded by the "Employee Bill of Rights" as agreed upon between the Edmonds Police Officers Association and the City of Edmonds as set forth in the current Commissioned and Law Support labor agreements. It is agreed that the City has the right to discipline, suspend or discharge any employee for just cause.

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 duties performed by this agency are vital to the safety and well being of this community. Because of the importance of these duties, it is essential that the department set and maintain high standards of conduct among its personnel. Misconduct by employees cannot be tolerated because it weakens the department's effectiveness, erodes public trust, and can endanger members of the public or members of this department.

The following list of identifiable acts of misconduct constitutes a list of specific types of misconduct that may be cause for disciplinary action. This list is not intended to cover every possible type of

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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

(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the Department within 24 hours of any change in residence address or home phone number.

(e) Failure to comply with attendance-related policies.

340.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution under this policy.

(g) Failure of any employee to promptly and fully report any violation of department orders/ policies, neglect of duty or illegal conduct by any member of the department to their supervisor or superiors.

(h) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(i) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity (RCW 9A.80.010)

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(j) Disclosing or soliciting for financial or personal gain any information, photograph or video obtained or accessed as a result of employment with the Department.

(k) Undertaking financial obligations which the employee knows or reasonably should know they will be unable to meet or failure to manage their finances in such a manner that such a failure effects business operations or the reputation of the Edmonds Police Department.

(l) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

(m) Discourteous or disrespectful treatment of any member of the public or any member of this Department or another law enforcement agency.

(n) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.

(o) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

(p) 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.

340.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

(b) Violation of Departmental or City policies prohibiting discrimination and harassment.

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants. Employees shall not consume intoxicants less than six (6) hours prior to the beginning of their shift. A breath alcohol reading of .01% or an employee's refusal to take a breath alcohol examination shall be cause for immediate suspension. Employees shall not drink intoxicating beverages while in uniform with the exception of attendance at officially sanctioned multi-agency events where a dress uniform is expected by event organizers. Under such circumstances, employees shall not consume alcohol in amounts which would impair their ability to drive. In no event shall alcohol use in dress uniform bring discredit to the uniform or the profession.

(b) Consumption of alcohol off duty to the extent that it results in actions or behaviors which bring discredit to the Edmonds Police Department or the law enforcement profession.

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(c) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(d) Failure to promptly disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.

(e) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.

(f) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.

(g) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

340.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.

(e) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

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(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others.

(o) Unauthorized removal or possession of Departmental property or the property of another employee.

(p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on- or off-duty.

(q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.

(r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(t) Offer or acceptance of a bribe or gratuity.

(u) Misappropriation or misuse of public funds.

(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling

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activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(y) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(z) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(aa) Violating any misdemeanor or felony statute.

(ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

(ae) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.

(af) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

340.3.6 SAFETY

(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.

(e) Any personal action contributing to involvement in a preventable and/or avoidable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

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(f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

340.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.

(b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

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.

(a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and only upon:

1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.

(b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice.

340.4.1 REMOVALS, SUSPENSIONS, AND DEMOTIONS

After such investigation the Civil Service Commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or

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demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer (RCW 41.12.090).

340.4.2 EMERGENCY SUSPENSION
A sergeant or supervisor may suspend an employee with pay under exigent circumstances (i.e. alcohol on breath, anger management) for up to 72 hours. The employee shall be directed to report to the Chief of Police on the first business day following such action. The supervisor taking this action shall be required to notify the Assistant Chief by telephone immediately and submit a written report detailing the events and justification for the emergency suspension before the end of shift on the day that the action was taken.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 ASSISTANT POLICE CHIEF RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Assistant Police Chief of the involved employee shall review the entire investigative file, the employee's personnel file and any other available materials identified as relevant to the investigation.

The Assistant Police Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Assistant Police Chief may return the entire investigation to the assigned detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Assistant Police Chief shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE
Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may suspend with or without pay, issue need for improvement, demote, and discharge an employee for cause per Civil Service Rules and City of Edmonds Policies.

The Chief of Police may modify any recommendations and/or may return the file to the Assistant Police Chief for further investigation or action.

(a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Chief of Police shall provide the employee with written (Loudermill) notice of the following information:

    1. Specific charges set forth in separate counts, describing the conduct underlying each count.

    2. A separate recommendation of proposed discipline for each charge.

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3. A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
4. An opportunity to respond orally or in writing to the Chief of Police pursuant to the Loudermill notice.
5. A statement that the employee is entitled to union representation, if represented by a union.

(b) In the event an investigation of an employee results in dismissal or loss of pay or benefits for cause, a Loudermill hearing must be conducted by the Chief of Police. Such hearing shall include:

1. Oral or written notice of the charges.
2. An opportunity for the employee to tell their side of the story.
3. The purpose of a Loudermill hearing is to allow the employee to present any information they deem relevant to the disciplinary process. As such, the department shall not be required to produce evidence or testimony at the hearing.
4. Only the terminated or disciplined employee shall be permitted to respond to the charges by explaining their side of the story, unless the Department agrees to hear testimony from other individuals at the employee's request.
5. If the reasons for termination or disciplinary action involve potential criminal liability, the city attorney's office should be contacted for advice prior to the hearing.
6. A decision to affirm or reverse the termination or loss of pay or benefits should be made within thirty (30) days of the hearing. Written notice of the decision shall be supplied to the employee.
7. An employee has the right of appeal providing the time periods as outlined by either the labor agreement or civil service rules are met.
8. If the Chief of Police perceives a significant hazard in keeping the employee on the job until the Loudermill hearing occurs, the employee shall be suspended with pay until a decision is rendered following the hearing.
9. If an employee is to be dismissed, they must be advised of a tentative dismissal date.

340.6 EMPLOYEE RESPONSE

(a) Employees may choose either of the following procedures for appealing disciplinary action: the process outlined in the Civil Service Rules (in accordance with RCW 41.12.090), or the grievance procedures outlined in the respective labor agreement. Under no circumstances may the employee use both the Civil Service Commission and contract grievance procedures to appeal the same disciplinary action.

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(b) Any employee involved in a sustained complaint or internal affairs investigation resulting in a discipline no greater than a written reprimand may submit a written rebuttal or explanatory memo which will be attached to the Notice of Discipline and retained under the same schedule as the disciplinary file. Employees may also submit a written statement to be filed with any complaint or internal affairs investigation resulting in a finding of inconclusive or closed/incomplete.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

340.8 POST LOUDERMILL PROCEDURE

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the aforementioned process detailed in 340.6. In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an appeal of the Chief of Police's imposition of discipline pursuant to Policy Manual § 1006, the operative Collective Bargaining Agreement or the applicable Civil Service Rules.

340.9 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, 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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Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Technology Resources - Shall mean all computers (on-site and portable), hardware, software, two-way radios, cellular or satellite communication devices, voice mail systems and all similar resources owned, leased, rented or licensed by the Edmonds Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including shareware. This does not include files created by the individual user.

Temporary File or **Permanent File** or **File -** Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the department information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service or information when the employee is unavailable.

342.4 DEPARTMENT PROPERTY

All information, data, documents, communications and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Files or software that an employee finds necessary to upload onto a department computer or network shall be done only with the expressed approval of Information Services and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be in accordance with the City of Edmonds Information Services Acceptable Use Policy. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

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Employees shall report any unauthorized access to the system or suspected intrusion from outside sources, including the Internet, to a supervisor.

342.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Department approved anti-virus software will be running on all computers that are connected to the Internet to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

342.7.1 NETWORK SECURITY

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

(a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel who have passed a background investigation.

(b) The network shall not be connected to any external network without a firewall in place.

(c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

342.7.2 SYSTEM BACK-UP

Information Services personnel shall be responsible for establishing regularly scheduled network system backup protocols. Retention of all system backups should be stored off-site and retained until no longer needed for department business and then destroyed according to the current Local Government Common Records Retention Schedule (CORE).

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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

It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. Approval of such a delay should not extend over an officers days off. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the officer will be required by the supervisor to promptly correct the report. Officers who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident may be recorded on an information report, FIR Card or in the officers log/unit history.

(c) In every case where any force is used against any person by police personnel.

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(d) All incidents involving domestic violence, allegations of domestic violence or domestic circumstances brought to the officers attention which may warrant documentation for future reference.

(e) All arrests.

344.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

(a) Any time an officer points a firearm at any person.

(b) Any use of force against any person by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms Policy).

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

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.

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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 or City equipment.

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.

344.3 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.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated when possible.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

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 provide written notification stating the reasons for rejection. The original report and the correction notice 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 Unit for filing, scanning and distribution shall not be modified or altered except by way of a supplemental report.

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Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing 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, Assistant Police Chiefs, Sergeants 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.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

    1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

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2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

(c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should 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.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information report log of significant law enforcement activities that shall be made available, upon request, to media representatives through the records unit support staff. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under RCW 13.50.010 and .050, or with prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to (RCW 42.56.240):

(a) Specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(b) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(c) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in RCW Chapter 9A.44 or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

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(d) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies.

(e) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

(f) Criminal history information as described in Policy Manual § 812 pursuant to RCW10.97.050.

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Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.2 COURT SUBPOENAS

The Records Unit will log in all subpoenas received for employees from Superior, District, and Municipal Courts. The Records Unit will send an e-mail to the employee advising that a subpoena has been received for them. The employee will then pick up the subpoena(s) from the Police Services Assistant, constituting service. All employees will check their department e-mail for messages at a minimum of once each shift.

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

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, providing them with a copy 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. 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.

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

Only the employee named in a subpoena, his/her immediate supervisor, department clerical staff or the City Clerk shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department clerical staff. The clerical staff shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

348.2.4 REFUSAL OF SUBPOENA

No subpoena that has been properly served and verified to have originated from a recognized legal authority may be refused. Valid reasons for an employee to contact the prosecutor or attorney's office for the purpose of requesting a continuance include:

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(a) Illness or a medical emergency, previously approved training and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for requesting a continuance or missing court. If the subpoena has been received by the individually named employee from the clerical staff and a valid reason exists for requesting a continuance, it shall then become the responsibility of the officer to notify the assigned County Prosecutor or other attorney of record of the reason for the unavailability of the employee and the dates of unavailability. This notice should occur as soon as possible and not less than 48 hours prior to the date listed for the appearance.

(b) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the clerical staff shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.

348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for law enforcement actions taken off-duty not directly related to their employment with Edmonds Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas may be compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor. Compensation may apply to those matters where an off-duty employee has exercised authority under the Washington State Mutual Aid Peace Officers Powers Act.

348.2.6 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current labor agreement. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses, subject to pre-approval by the Department.

The Department may receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.4 OVERTIME APPEARANCES

Officers who are required to appear in court in connection with their official duties will appear and testify as directed even though the time of appearance may occur when they are off shift. Compensation will be in accordance with Collective Bargaining Agreement.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

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348.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE
Employees shall dress in Class A uniform or business attire. Suitable business attire for male employees would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from tobacco use or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE
Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, County Prosecutor's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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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 Shift Sergeant for approval. 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. 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 for other agencies.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

352.2 CIVIL PROCESS REQUESTS

Most civil process documents will be served by the Snohomish County Sheriffs Office or by civilian process servers. Edmonds Police personnel will only become involved with civil process under a limited number of circumstances such as commitment of persons to mental health facilities as provided for under RCW 71.05.150 or through court orders specifically directing police action.

Edmonds police personnel will not become involved in civil process related to the following matters:

(a) Civil actions related to evictions and non-criminal landlord/tenant disputes.

(b) Debt collection matters or small claims court issues.

(c) Enforcement of civil court orders absent specific orders for police action, or wherein the court lacks jurisdiction.

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(d) The service of civil summons and complaints.

(e) Any process related to civil litigation wherein a court of jurisdiction or governing law does not direct a law enforcement action.

Any question concerning jurisdiction of this agency in civil matters should be directed to the on-duty patrol supervisor. The patrol supervisor may contact the City of Edmonds Prosecuting Attorney should questions of jurisdiction or authority remain.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Edmonds 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 Edmonds Police Department to assist and work with the Snohomish County Sheriff's Office in its duty to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 MONITORING OF REGISTERED OFFENDERS

The Detective Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the WASPC Sex Offender Information Center website.

(c) Contact with a registrant’s community correction officer.

(d) Review any available Washington State database of felony firearm offenders.

Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to the Washington Association of Sheriffs and Police Chiefs (WASPC), which administers the Sex Offender Information Center website.

The Detective Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Edmonds Police Department personnel, including timely updates regarding new or relocated registrants.

356.4 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant’s presence in the community. Employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information Center website or the Edmonds Police Department's website.

The Records Supervisor shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

356.4.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The Edmonds Police Department has no authority to direct where an offender may live.

356.4.2 MANDATORY NOTIFICATION

The Investigation Assistant Police Chief shall ensure that:

(a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the City. The notice must be published in at least one newspaper that has a general circulation in the geographic area of each sex 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 WASPC Sex Offender Information Center website (RCW 4.24.550(5)).

356.4.3 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.

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(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.

356.4.4 SCHOOL NOTIFICATIONS

The Chief of Police has the responsibility of notifying the applicable school's principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender (RCW 9A.44.138):

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person have been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

356.5 SEX OFFENDER RISK ASSESSMENT

The Assistant Police Chief shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Edmonds Police Department is authorized to assign its own risk level.
- What risk assessment tools may be used and how such tools are scored.

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- Notification process following a change in the risk level classification.

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Major Incident Notification

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.

358.2 POLICY

The Edmonds Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Assistant Police Chief. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Edmonds official.
- Arrest of Department employee or prominent Edmonds official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

358.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any additional contact numbers supplied.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.3, the Chief of Police shall be notified along with the affected Assistant Police Chief and the Detective Supervisor if that division is affected.

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358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Assistant Police Chief.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

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 and should respond to all death investigations.

360.2.1 CORONER JURISDICTION OVER REMAINS

The Snohomish County Medical Examiner's Office 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 coroner's autopsy or post mortem or coroner's inquest is to be held.

(e) Where death results from unknown or obscure causes.

(f) Where death occurs within one year following an accident.

(g) Where the death is caused by any violence whatsoever.

(h) Where death results from a known or suspected abortion; whether self-induced or otherwise.

(i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.

(j) Where death is due to premature birth or still birth.

(k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.

(l) Where death results from alleged rape, carnal knowledge or sodomy.

(m) Where death occurs in a jail or prison.

(n) Where a body is found dead or is not claimed by relatives or friends.

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The body shall not be disturbed or moved from the position or place of death without permission of a representative of the Medical Examiner's Office (RCW 68.50.050).

360.2.2 DEATH NOTIFICATION
When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. A department Chaplain can be requested to assist if desired. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.3 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.2.4 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented thoroughly in an investigative report.

360.2.5 DETECTIVE UNIT NOTIFICATION
Any of the following circumstances shall be cause for immediate notification of the Detective Sergeant or acting

- Any suspected homicide.
- Deaths involving persons under 18 years of age.
- Death where the victim has obvious trauma to the body, including apparent self-inflicted trauma.
- Any felony assault with a weapon, or by other means, that results in a life threatening injury.
- Any case where the shift supervisor determines a detective consult is appropriate.

The detective supervisor will determine if the situation warrants a detective response and, if so, the degree of re

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Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives the case number and information on how to obtain a copy of the incident report (RCW 9.35.020).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Edmonds Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Edmonds Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law

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enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.4 TYPES OF LEP ASSISTANCE AVAILABLE

Edmonds Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered.

368.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the

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non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

368.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized 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 LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such

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individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.10 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.11 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter

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- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.12 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.13 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.14 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

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368.15 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.

368.16 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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Communications with Persons with Disabilities

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 - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

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 Edmonds 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 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.

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(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.

370.4 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 Edmonds 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.

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370.5 TYPES OF ASSISTANCE AVAILABLE

Edmonds Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.6 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.

370.7 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).

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370.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.9 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.

370.10 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.

370.11 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the

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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.

370.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve 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.

370.12.1 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.

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Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.13 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

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.

370.14 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.

370.15 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.

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.

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370.16 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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Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Edmonds 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 the International Chaplains Ministry, Support 7 regional chaplain organization.

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 accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 DUTIES AND RESPONSIBILITIES

The duties of a chaplain shall be, but are not limited to, the following:

(a) Assist in making notification to families of department members who have been seriously injured or killed.

(b) After notification, respond to the hospital or home of the department member.

(c) Visit sick or injured law enforcement personnel in the hospital or home.

(d) Attend and participate, when requested, in funerals of active or retired members of the department.

(e) Assist sworn personnel in the diffusion of a conflict or incident when requested to by on-scene staff.

(f) Respond to situations involving death or serious injury and provide counsel to family and/or friends of the deceased or injured.

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(g) Respond to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or Supervisor aids in accomplishing the Department's mission.

(h) Be on call and if at all possible, on duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(i) Counsel with officers and other personnel having personal problems, at their request.

(j) Attend department and academy graduations, ceremonies and social events and offer invocations and benedictions, as requested.

(k) Be responsible for the organization and development of spiritual organizations in the Department.

(l) Respond to all major disasters such as earthquakes, bombings and similar critical incidents.

(m) Provide liaison with other religious leaders of the community.

(n) Assist public safety personnel and the community in any other function of the clergy profession as requested.

376.4.1 OTHER RESPONSIBILITIES

(a) Participate in in-service training classes.

(b) Be willing to enter into training courses to enhance their effectiveness.

(c) Assist in contacting the assisted person's personal clergyperson as soon as possible.

(d) Should a person request a representative/minister of a specific denomination other than a department chaplain, the on-scene chaplain will contact the appropriate clergy as requested.

(e) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

(f) Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the Edmonds Police Department.

376.5 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.

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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 Policy and the Abuse of Vulnerable Adults Policy.

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 Edmonds 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.

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. 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.

    2. 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.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify the Department of Social and Health Services, if appropriate.

(d) Notify the field supervisor or Shift Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

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 child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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. How, where and with whom or which agency the child was placed

(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 consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Edmonds 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 Edmonds Police Department affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid interns, persons providing administrative support or field services support and youth involved in a law enforcement Explorer Post, among others.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Support Services Assistant Police Chief. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for recruitment and selection, facilitating and monitoring volunteer activities, record maintenance, scheduling, training coordination, maintaining discipline and overall supervision of the volunteer program.

384.2.2 RECRUITMENT

Volunteers should be selected on a basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public. The Chief of Police will be the determining authority in decisions involving any volunteer applicant whose current or previous employment or personal history may pose a conflict of interest if selected as a volunteer with this department.

All prospective volunteers should complete the City of Edmonds application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration. A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, Department of Licensing Drivers Abstract, criminal history checks (to include fingerprinting), personal reference checks. For

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volunteers in sensitive positions a polygraph examination, credit checks and employment references may also be required.

Service with the Department as a volunteer shall only begin with an official notice of acceptance or appointment to a position by the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted and completed all required screening and paperwork. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.2.3 TRAINING

Volunteers will be provided with an orientation to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

Determined by position, volunteers shall successfully complete training in vacation house checks, police radio procedures, CPR & First Aid, driving safety or other training identified as necessary for their assigned position.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.4 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be

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responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers, if not supervised by the Volunteer Coordinator, is the responsibility of the supervisor in charge of the unit where the volunteer is assigned.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties and in accordance with direction provided by the Volunteer Coordinator. Authorized volunteer uniforms or department insignia shall be covered by an outer garment when the volunteer is "off duty".Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any uniforms, department identification and/or insignia or fixed and portable equipment issued by the Department shall be for official and authorized use only. Any uniforms, property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Washington Driver's License.

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The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers are not authorized to operate a marked patrol car.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Edmonds Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer either on or off duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or combination thereof that would tend to adversely affect the officer's senses or judgment.

386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

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(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Edmonds Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Chapter 4 - Patrol Operations

Adoption Date: 2016/02/02
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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Edmonds, 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 Patrol and other units/divisions 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 divisions of the Edmonds Police Department.

400.2.1 CRIME ANALYSIS UNIT

This function is normally performed by the Detective Unit which will be the central unit for information exchange. Criminal information and intelligence reports will be distributed to all divisions within the Department via Email and special bulletins.

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400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate unit for retention or follow-up investigation.

400.2.3 PATROL BRIEFING

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, investigative reports, intelligence bulletins, training bulletins and information on current ATL and BOLO notices.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Racial- or Bias-Based Profiling

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Edmonds 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 Edmonds Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.3.1 OTHER PROFILING PROHIBITED

The Edmonds Police Department also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.410).

402.4 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 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 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 shall initiate investigations of any actual or alleged violations of this policy.

(c) 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 Field Services Assistant Police Chief should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 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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Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(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 OF MATERIALS

The supervisor conducting Briefing 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.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Secure the inner perimeter with crime scene tape.

(e) Protect items of apparent evidentiary value.

(f) Start a chronological log noting critical times and personnel allowed access.

406.2.2 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, per RCW § 70.05.120 and WAC 246-100-040(2).

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search exists or is obtained.

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406.3.1 CONSENT

Officers should obtain valid consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

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SWAT

408.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) is comprised of two specialized units: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Edmonds Police Department participates in and utilizes the North Sound Metro SWAT Team for response to crisis situations and situations where such specialized units may be needed. Administrative and operational policies and procedures are set forth in the North Sound Metro SWAT Team Procedures Manual. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-scene evaluation, the policies outlined in this manual section shall serve as a guideline to department personnel allowing for appropriate on-scene decision making as required.

For specifics regarding operational and administrative policies of this unit refer to the North Sound Metro SWAT Team Procedures Manual.

408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 POLICY

The North Sound Metro SWAT Team can be utilized in the following types of situations:

(a) Barricaded persons and hostage situations.

(b) High hazard search warrant or arrest warrant situations.

(c) Security for diplomatic or governmental officials.

(d) Protection of police officers or firefighters during unusual occurrences.

(e) Counter sniper activities.

(f) Rescuing captured, isolated, or wounded officers, firefighters, or citizens in circumstances of hostile activity.

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(g) Any situation that by its nature is life threatening or beyond the scope of normal police response.

408.2.1 OPERATIONAL PROCEDURES

(a) The senior field supervisor present on the scene should evaluate conditions and known data that indicates the potential or actual utilization of the SWAT team. Upon determination that the SWAT team should be utilized, SNOCOM should be contacted (by phone if possible) with information pertaining to the incident. SNOCOM will notify the SWAT team Commander or designee of the situation. The team Commander or designee will advise SNOCOM who to call out from the SWAT team.

(b) Because this is a joint team and can be utilized in several different jurisdictions in this region it is imperative an administrative or command officer is called out at the same time from the city where the incident is occurring. Upon arrival, the administrative or command officer will become the on-scene commander and will be in charge of the situation.

(c) The SWAT team Commander will work with the on-scene commander, and the team Commander and Team Leader will assume responsibilities for any assault operation. The SWAT team will not commit to an assault without the direct order of the on-scene commander.

(d) Any assault plan should have the joint approval of both the on-scene commander and SWAT team Commander. No assault should be ordered unless it is felt it is a last resort effort by the agency and is required for the safety of officers and the community or its citizens.

(e) During assault operations, field personnel should continue to maintain a perimeter to prevent unauthorized individuals from entering or exiting the area.

(f) In the event that a command officer cannot be reached in the city where the event is occurring, the call-out procedure should continue. The SWAT team should assemble and go to the scene. Once there, they should take appropriate action as circumstances demand. SNOCOM should continue to try to call-out a command level officer or at least a sergeant from the city that is experiencing the problem.

The SWAT team will follow procedures set forth in the North Sound Metro SWAT Team Procedures Manual.

408.2.2 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team and/or Crisis Negotiation Team, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Evacuate any injured persons or citizens in the danger zone.

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(d) Attempt to establish preliminary communication with the suspect. Once SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(e) Be prepared to brief the SWAT Commander on situation.

(f) Plan for, and stage, anticipated resources.

408.3 TRAINING NEEDS ASSESSMENT

The training standards of the North Sound Metro SWAT Team are established and governed by the Team Commander in coordination with the administrative guidance of the participating agencies.

408.4 UNIFORMS, EQUIPMENT, AND FIREARMS

408.4.1 UNIFORMS

SWAT team members from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.4.2 EQUIPMENT

SWAT team members from this agency should be adequately equipped to meet the specific mission(s) identified by the participating agencies.

408.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.4.4 VEHICLES

The SWAT team will have available a bus for transportation of equipment and personnel to the scene. Other regionally owned vehicles may be available for use as well. The SWAT team members are responsible for the routine upkeep and cleanliness of the SWAT bus and any other vehicle used. Routine mechanical maintenance is the responsibility of the fleet maintenance department. Only members of the SWAT team will drive the bus. In most cases, the SWAT bus will be utilized as a command post. The SWAT team leader will maintain a list of special equipment assigned to the bus.

408.5 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team will be comprised of officers from any of the participating agencies who have been selected and trained in crisis negotiations. They will act under the direction of the SWAT team commander. They shall train with the SWAT team periodically. The negotiation team assigned to participate in an incident will consist of no less than two officers; one being the primary or lead negotiator and the other a back-up negotiator. The primary responsibility of the negotiation team is to establish communications with the suspect(s) and attempt to persuade the suspect(s) to leave his/her position and surrender to police.

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408.5.1 TRAINING OF NEGOTIATORS

Those officers selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team leader.

The on-going training standards of the Crisis Negotiation Team are established and governed by the SWAT Team Commander in coordination with the administrative guidance of the participating agencies.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team leader. Performance and efficiency levels, established by the team leader, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

408.5.2 CRISIS NEGOTIATION TEAM OPERATIONAL PROCEDURES

Specifics regarding the duties and procedures of personnel assigned as Crisis Negotiators can be found in the North Sound Metro SWAT Team Procedures Manual. There may also be situations in which a field supervisor may believe the use of Crisis Negotiators could be beneficial but would not necessarily require a call-out of the entire SWAT team. Such requests shall be directed to the SWAT Team Commander.

(a) On-duty supervisors may request assistance from the Crisis Negotiation Team with situations where normal practices have failed to convince the subject to communicate and/or surrender. These might include, but not be limited to, suicidal subjects, hostage situations, and barricaded subjects who are suicidal or criminals. This may or may not require a full SWAT call-out. That determination will be made by the SWAT team Commander.

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Allied Law Enforcement Response Team (ALERT)

409.1 PURPOSE AND SCOPE

The Allied Law Enforcement Response Team (ALERT) has been created and organized to respond to incidents of civil disturbance, demonstrations, crowd or riot situations, as well as crowd and special event management. In fulfilling these duties members will work within the framework of the law and appropriate policies, procedures rules and regulations. Should force be necessary only the minimum needed to accomplish the mission will be utilized.

It is the policy of the agencies involved in the Allied Law Enforcement Response Team (ALERT) to protect the rights of peaceful assembly and free speech, as well as the right to safe and unhindered passage for all people. Freedom of speech is a fundamental right guaranteed by the United States Constitution. When exercised within the spirit and intent of the law, individuals are afforded the opportunity to express opinions openly and without fear of reprisal from the government.

Our government, and law enforcement in particular, must ensure that an individual's right to express themselves do not infringe upon the rights or safety of others. Should demonstrations transcend lawful boundaries, law enforcement must be prepared to respond with fair and impartial enforcement of the law.

Civil disorders by their nature have the potential to cause damage to property, injury and even death and the infringement on rights of citizens. Because of the dangerous nature of civil disorders law enforcement has an obligation to restore a lawful and safe environment as expeditiously as possible.

409.2 MISSION AND OBJECTIVES

When activated ALERT personnel shall adhere to the basic law enforcement mission of protecting life and property. To assist with this basic mission, ALERT will provide a highly trained, disciplined, and well-equipped team to respond under the direction of an incident commander. When possible personnel should make an effort to coordinate with participants to ensure protests, demonstrations, and other public gatherings and events occur in a lawful manner.

Mission:

- Protect life
- Maintain/restore order
- Protect critical locations
- Arrest violators
- Protect property

Objectives:

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- **Rapid Mobilization and Deployment of Resources:** The early moments of a civil disorder are critical. The rapid mobilization and deployment of law enforcement resources is a visual representation of a firm commitment to maintaining the peace.
- **Contain and Isolate:** The incident will be contained in the smallest possible geographical area.
- **Secure Critical or Sensitive Locations:** Secure and protect critical locations, such as hospitals, communications centers and transportation hubs that, if not protected, could serve to escalate or prolong the disturbance.
- **Disperse and Demoralize Disorderly Groups:** The rapid deployment of personnel, equipment and the arrest of violators and the repeated dispersal of unlawful groups will significantly aid in restoring order.
- **Return to Normalcy:** Provide for a smooth transition to a state of normalcy.

409.3 OPERATION GUIDELINES/ADMINISTRATIVE PROCEDURES

Edmonds Police Officers participating on the Allied Law Enforcement Response Team will be subject to and abide by the provisions of this policy as well as the administrative and procedural guidelines established and set forth in the ALERT Standard Operating Procedures Manual.

409.4 MOBILIZATION OF ALERT

When the potential need for an ALERT call-out arises that need will be communicated to a command level member of the venue agency who will in turn contact the ALERT Commander. ALERT can be mobilized with the following recommendations:

(a) Respond under the incident command system.

(b) Incident commander will utilize the ALERT response list as a resource to provide additional assistance to the event.

(c) The venue agency will maintain overall incident command unless it requests to assume a different role and relinquish incident command responsibility.

(d) Prior to any agency response, the chief or sheriff or designee will approve their ALERT member participation.

(e) ALERT readiness, call out ALERT procedures are at the direction of the individual participating agencies.

(f) A public information officer from the venue agency will be utilized in the incident command system.

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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, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Edmonds Police Department Ride-Along Program is offered to residents, applicants, students, officers' family members/friends 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:

(a) Being under 18 years of age.

1. All riders must be 18 years of age or older unless authorized by the Assistant Chief of Police, Field Services or designee.
2. Riders under 18 years of age shall have a waiver signed by their parent or guardian.
3. Explorer scouts shall be exempt from the age requirement, provided they adhere to department and scout policies.

(b) Prior criminal history.

(c) Pending criminal action.

(d) Pending lawsuit against the Department.

(e) Denial by any supervisor.

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Assistant Police Chief, or Shift Sergeant.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Assistant Chief of Police, Field Services. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Assistant Chief of Police, Field Services will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

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If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian riders will be allowed to ride no more than once every 12 months. An exception would apply to the following: Interns, Explorers, Chaplains, Reserves, police applicants, and all others with approval of the Assistant Chief.

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.

Other than commissioned law enforcement personnel who have prior approval by the shift supervisor, riders will not be allowed to carry firearms during their ride.

Supervisors shall carefully evaluate the appropriate officer to place a rider with. This is of special concern where immediate family members request to ride.

410.2.2 SUITABLE ATTIRE

Any person approved a ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty law enforcement officers will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty officer shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. Police vehicles containing civilian riders or any other non-police personnel (including officers from other agencies when not on official business) shall not become involved in pursuits. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Assistant Chief of Police, Field Services is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Assistant Chief of Police, Field Services with any comments which may be offered by the officer.

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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 officer may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with RCW 70.105, WAC 173-303, and guidelines from the Washington State Department of Ecology, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Edmonds Local Emergency Planning Committee (LEPC) procedures.

412.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a City of Edmonds Accident Report that shall be forwarded via the chain of command to the Assistant Chief of Police. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the 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 a crime report or incident report.

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412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Crisis Response Unit - A term often used synonymously with SWAT team which is defined in policy 408.

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 Edmonds 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.

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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).

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.

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(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.

(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.

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(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 PIO.

(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 Crisis Response Unit response if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) 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 the Dispatch 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 News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the Crisis Response Unit Commander, whether to deploy the Crisis Response Unit during a hostage or barricade situation.

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Once the Incident Commander authorizes deployment, the Crisis Response Unit Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Crisis Response Unit. The Incident Commander and the Crisis Response Unit 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 should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Shift Sergeant including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

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416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate action to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- Fire Department
- Bomb Squad
- Additional field officers
- Field supervisor
- Shift Sergeant
- Detectives
- ATF/Forensic Services

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

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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:

- 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 Sergeant is immediately advised and fully informed of the details. The Shift Sergeant 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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Emergent Detentions

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergent detention (RCW 71.05.153).

418.2 POLICY

It is the policy of the Edmonds Police Department to protect the public and individuals through legal and appropriate use of the emergent detention process.

418.3 AUTHORITY

An officer who has reasonable cause to believe that a person is suffering from a mental disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital (RCW 71.05.153).

An officer may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a mental health professional designated by the county or other authority who has determined that the person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

418.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for an emergent detention, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation officers should proceed with the emergent detention, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

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(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other public safety issues.

418.5 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for an emergent detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.6 TRANSPORTATION

When transporting any individual for an emergent detention, the transporting officer should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

418.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the emergency application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention.

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

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When an individual who may qualify for an emergent detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergent detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other dangerous weapons. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention.

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Citation Releases

420.1 PURPOSE AND SCOPE

Officers may use citation and notice to appear release procedures in lieu of arrest for misdemeanor and gross misdemeanor offenses with certain exceptions. The state courts have shown the intent to release all persons on misdemeanor and gross misdemeanor citations, if qualified for such release.

420.2 RELEASE METHODS

Release by citation for misdemeanor and gross misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to a holding facility or jail and booked.

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 or written warnings to resolve minor traffic and criminal violations when appropriate.

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)).

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420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor/gross misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be released from the jail/holding facility after booking.

Any person arrested for a misdemeanor/gross misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.33.

420.3.3 DISQUALIFYING CIRCUMSTANCES

In determining whether to release the person or to hold him or her in custody, officers shall consider the following factors (CrRLJ 2.1 (b)(2)):

(a) Whether the person has identified himself or herself satisfactorily.

(b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.

(c) Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.

(d) Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

* The criminal citation and field release does not apply when physical custody arrest is mandated in areas involving domestic violence and violation of served orders of protection relating to domestic situations.

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 exceptions:

- Misdemeanor/gross misdemeanor traffic violations of the RCW if the juvenile is 16 years of age or older.

All other misdemeanor/gross misdemeanor violations for juveniles shall be documented with a case number and the case should be referred for further action by the prosecutor and juvenile court.

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420.5 REQUESTING CASE NUMBERS

Some cases involving a criminal citation and release can be handled without requesting a case number. Some criminal traffic violations can be documented on the reverse side of the records copy of the citation. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

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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 the state of 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. This official acts immunity must be raised as an affirmative defense in the court of 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 special plates of a distinguishing color and numerical series to 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 .

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 shall be issued a citation and released.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements shall be issued a citation even if immunity status is uncertain.

(f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled

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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 to impound 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 Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the office of the Chief of Police within 48 hours of the incident. The Chief of Police or designee will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals solely for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

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This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)). If the individual requests such notification, the officer shall contact the Dispatch Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Dispatch Center with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Dispatch Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Dispatch Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

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Rapid Deployment/Active Shooter Policy

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

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(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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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 Edmonds 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 Sergeant. If the request is of an emergency nature, the officer shall notify the Dispatch 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 Edmonds, shall notify his/her supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Shift Sergeant 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 to the officer's Assistant Police Chief.

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Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (U.S.C.) dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

428.3.2 SWEEPS

The Edmonds Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

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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.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If an officer believes that an individual taken into custody for a felony is also an undocumented alien, ICE should be notified by the arresting officer so that they may consider placing an "immigration hold" on the individual.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Edmonds Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim

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or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. §1373 and 8 U.S.C. § 1644).

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services must be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Detective Unit sergeant assigned to supervise the handling of any related case. The Detective Unit sergeant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS web site at http://www.uscis.gov/portal/site/uscis.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

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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 the Dispatch 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. The electric company or Public Works 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 underground 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 the Dispatch Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Edmonds and DOT maintain traffic signals within the city limits and also contracts with the City of Lynnwood for service to some signals on the Highway 99 corridor. SNOCOM will determine the proper contact when a request is made.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Patrol Rifles

432.1 PURPOSE AND SCOPE

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

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department Rangemaster.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the S&W M&P 15, Colt M16 (modified for semi-auto only), Colt AR15, or AR15 type of other quality manufacturer approved by the Rangemaster.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer who shall inspect and service each patrol rifle on a yearly basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

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

(d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Armorer at any time.

(e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 24-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete bi-yearly training and qualification conducted by a certified patrol rifle instructor.

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Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle until successful completion of a make-up course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

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

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

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

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

432.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the department armory or inside the locked personal locker of the officer.

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Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Edmonds Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of 4 years full time experience as a police officer and successfully complete probation with the Edmonds Police Department.

(c) Demonstrated ability as a positive role model.

(d) Participate in and pass an internal oral interview selection process.

(e) Evaluation by supervisors and current FTO's.

(f) Holds a valid Peace Officer Certificate with CJTC.

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTO's should complete Field Training Officer update courses as they become available by the CJTC (once every three years if offered) while assigned to the position of FTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor/coordinator will be the Training Corporal or other supervisor designated by the Field Services Assistant Police Chief and shall possess a CJTC Supervisory Certificate.

The FTO Program supervisor shall have the responsibility of, but not be limited to, the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

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(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with other agencies' FTO Coordinators.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTO's.

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Edmonds Police Department who has successfully completed a CJTC approved Basic Academy or Equivalency Examination, and who is subject to the departments' Field Training Officer Program.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 14 weeks.

The training period for a lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of four weeks.

To the extent possible, entry level and lateral entry officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Edmonds Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Edmonds Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

(a) Evaluations of trainees by the FTOs will be done on a daily basis per the guidelines in the FTO manual. In addition, the FTO will complete weekly, monthly and final evaluations on the trainee's performance. All evaluations will be maintained in the trainee's FTO manual to

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allow for review by supervisors, Training Corporal, Professional Standards Sergeant, and command staff personnel.

(b) FTOs shall review the Daily Observation Reports with the trainee each day.

(c) A detailed end-of-phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.

(d) FTOs shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

(e) All FTOs are directly supervised by the sergeant of their assigned shift. The Assistant Police Chief/Field Services Division and the Training Corporal will monitor the student officer's progress.

(f) Assignment as an FTO will be for an indefinite period of time. The Chief of Police may remove FTOs from their assignment for unsatisfactory performance, disciplinary problems, or as deemed necessary.

436.6.2 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program. These evaluations shall be reviewed by the Training Corporal and the command staff to monitor the FTOs and the program as a whole. The evaluations will be maintained in the FTO manual.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports.

(b) End of phase evaluations.

(c) A letter or memo of completion certifying that the trainee has successfully completed the required number of hours of field training.

*Upon completion of the program, the trainee's manual will be retained by the Executive Assistant.

436.8 FTO CONDUCT

FTOs must conduct themselves in a professional manner at all times. They shall teach department policy and procedure. FTOs must set an example by virtue of their knowledge, their demeanor and appearance. They should remember at all times, that the trainee will be a product of what is taught and of the behavior that is demonstrated.

During the FTO program, the following will be adhered to:

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(a) FTOs will not set up training scenarios without approval/knowledge of the duty supervisor. Trainees will always be told when a training situation is a mock situation. Trainees will never be led to believe that a mock situation is real, or that a real situation is a training exercise.

(b) Loaded weapons will never be used in a training scenario.

(c) FTOs will not attempt to agitate or anger civilians for the purpose of evaluating how trainees will deal with conflict.

(d) Handcuffed prisoners will never be released in order to see how the trainee would handle a physical confrontation or for any reason, other than a legitimate reason, per department policy.

(e) The relationship between the FTO and the trainee will be a teacher/student and or supervisor/subordinate relationship. As part of this relationship, the following is expected:

1. The hallmark of this relationship will be one of mutual respect. Trainees will be treated with respect at all times and they will be expected to respect the FTO and follow directions. Trainees will not be harassed, intimidated, intentionally embarrassed or treated in a demeaning manner. Name calling or use of derogatory terms by the FTO is not acceptable. FTOs will not show anger or frustration while working with the trainee.

2. FTO personnel shall not date or attempt to date trainees while they are in the FTO program. If an FTO is related to a trainee or has had a special relationship with the trainee prior to the trainee being hired by the City of Edmonds, the Assistant Police Chief/Field Services Division will be advised. Consideration will then be given to assigning the trainee to another FTO in order to protect and maintain the integrity of the program.

436.9 TRAINEE CONDUCT

(a) Trainees are to be respectful to the FTO at all times. The FTO's direction is to be accepted and followed at all times. If a trainee believes that a specific instruction or order is improper or an evaluation is not fair, they will discuss it with the FTO. If the trainee is still not satisfied, they may request a meeting with the sergeant. At a later time, if the trainee still has a concern or problem, the trainee may request a meeting with the Assistant Police Chief/Field Services Division. The sergeant will schedule a meeting in which the trainee, FTO, sergeant, and Assistant Police Chief/Field Services Division will meet to resolve the problem.

(b) While off duty, trainees will not respond to police calls nor will they conduct police investigations.

(c) Trainees will be receptive to criticism given by FTOs. They may explain any question that may arise regarding their actions, however, repeated rationalization, contradictions and hostility will not be accepted.

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(d) No trainee shall be allowed to work solo while in the program until all training has been completed. No trainee will be allowed to work any off-duty special details in accordance with the Edmonds Police Officer's Association off-duty work rules and departmental policies.

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Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Shift Sergeant, or his/her designee, will request that SNOCOM call the closest agency having helicopter support available. The Shift Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

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

440.1 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.

440.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk 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.

440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

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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.

440.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Edmonds Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Officers should seek consent to record such statements whenever possible.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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440.4 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.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 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 note such consent in any accompanying documentation.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

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440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted with either an associated FI card, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph or with the digital file.

Photos related to a specific case report shall be downloaded into the digital photo database. Field photos without a case report shall be downloaded into the photo database, identified by the specific Incident Number related to the contact.

440.7.1 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for periodically purging and destroying all photographs maintained by the Records Unit which are more than the current year plus one year old and in compliance with the current Records Management Guidelines and General Records Retention Schedules. The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management (Records Management Guidelines and General Records Retention Schedules) (RCW Chapter 40.14). Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Edmonds Police Department and the booking file remains in the Records Unit.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph by this agency during any contact other than an arrest may request a status review of the photo within 30 days of the contact. The request to review the status of the photograph shall be directed to the Chief of Police. If the Chief of Police or his/her designee determines that the photograph was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest field photo no longer exists or that the photo was not obtained in accordance with established law or Edmonds Police Department policy, the original photo may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

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If the Chief of Police or his/her designee determines that any involved Edmonds Police Department personnel violated existing law or department policy, the Chief of Police or designee may initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Edmonds Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

442.2 POLICY

The Edmonds Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20 and RCW 43.43.762.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any

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supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

442.3.2 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the state patrol and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Dispatch Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

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442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged in compliance with the department records retention schedule or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

442.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Corporal to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Release and Security Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 CRIMINAL STREET GANGS

The Detective Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

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(b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.8 TRAINING

The Training Corporal should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

(f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

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Mobile Data Computer Use

448.1 PURPOSE AND SCOPE

The Mobile Data Computer (MDC) accesses confidential records from the State of Washington, the United States Department of Justice and Department of Licensing databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Shift Sergeant.

448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDC'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 MDC.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

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Other changes in status may be entered by depressing the appropriate keys on the MDCs.

448.2.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher will immediately close the air using three alert tones. The dispatcher will then call the unit and ask if Code- 4. If there is no emergency the officer should respond with their unit number, personnel number and indicate that they are "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.

(b) Notify the field sergeant and Shift Sergeant of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC

Whenever possible, officers will not use units with malfunctioning MDCs. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Dispatch Center. It shall be responsibility of the Dispatch Center to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDCs. Operating the MDC may cause some devices to detonate.

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Street Crimes Unit

449.1 PURPOSE AND SCOPE

The Edmonds Police Department Street Crimes Unit is designed to target specific street level criminal activity through directed enforcement in the City of Edmonds and to reduce crime through professional investigation, apprehension, and conviction of offenders thereby improving the quality of life within the City of Edmonds.

The primary function of the Street Crimes Officers is to take a proactive approach to deterring crime by both conventional and unconventional means. These methods will be governed by limits of the both the United States and Washington State Constitutions, State law, and department policy.

Street Crimes Officers are assigned to the Field Services Division and report to the Street Crimes Sergeant.

449.2 POLICY

The Edmonds Police Department Street Crimes Unit has a procedures manual specific to the operations of that unit. The EPD Street Crimes Unit Manual specifically addresses polices regarding supervision, assigned officers, codes of conduct, investigative procedures, arrest and raid procedures, intelligence management, informant management, surveillance, investigative funds, clandestine drug lab investigations, etc.

Street Crimes Unit personnel are required to abide by all policies/standards of the EPD Street Crimes Unit Manual as well as those that apply to any other employee of the Edmonds Police Department as enumerated in the Edmonds Police Department Policy Manual.

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Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A).

452.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Designated provider - A person who is 18 years of age or older, who has been designated in writing by a patient to serve as a designated provider. An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the patient.

Medical use of marijuana - The production, possession, or administration of marijuana, as defined in RCW 69.50.101, for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana.

Valid documentation - Documentation that meets all of the following criteria:

- A statement signed and dated by a qualifying patient's health care professional, written on tamper-resistant paper, which states that in his/her professional opinion, the patient may benefit from the medical use of marijuana.
- Proof of identity, such as a Washington state driver's license or identi-card (RCW 46.20.035).

452.2 POLICY

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

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Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

452.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

(a) No medicinal claim is made.

(b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits (designated by RCW 69.51A.040).

(c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no valid documentation when initially contacted.

452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

452.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider with valid documentation should not be arrested if he/she possesses no more than 15 cannabis plants and (RCW 69.51A.040; RCW 69.51A.043):

(a) 24 ounces of usable cannabis, or

(b) No more cannabis product than what could reasonably be produced with no more than 24 ounces of usable cannabis, or

(c) A combination of usable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than 24 ounces of usable cannabis.

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)(b)).

Officers may take enforcement action against a designated caregiver even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

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452.3.3 EXCESS AMOUNTS OR NO VALID DOCUMENTATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no valid documentation when initially contacted by law enforcement (RCW 69.51A.045; RCW 69.51A.047).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that valid documentation exists, even though it was not presented by a qualified patient or designated caregiver, an arrest generally should not be made.

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

452.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

(a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

1. The medical condition itself.
2. The quality of the marijuana (chemical content).
3. The method of ingestion (e.g. smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.

(b) Before proceeding with enforcement related to collective gardens, officers should consider conferring with appropriate legal counsel.

(c) Investigations regarding collective gardens should consider pertinent City ordinances and that (RCW 69.51A.140; RCW 69.51A.085):

1. No more than 10 qualifying patients may participate in a single collective garden at any time.
2. The collective garden may contain no more than 15 plants per patient and no more than a total of 45 plants.
3. The garden may contain no more than 24 ounces of usable cannabis per patient or no more than a total of 72 ounces of usable cannabis.
4. Each collective garden participant must have a copy of his/her valid documentation and proof of identification available for inspection on site at all times.

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5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the garden.

(d) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).

452.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

(a) Engages in the medical use of cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.

(b) Uses or displays medical cannabis in a manner or place open to the view of the public.

(c) Produces fraudulent documentation.

452.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

452.6 PROPERTY SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by a court of jurisdiction that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Property and Evidence Section Supervisor should return to that person any usable marijuana, plants, drug paraphernalia or other seized property once presented with a valid court order to do so.

The Property and Evidence Section Supervisor may destroy marijuana that's determined by the court of jurisdiction to be possessed illegally once the evidence is no longer required for prosecution.

The Property and Evidence Section Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Unit Supervisor.

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Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE

The Edmonds Police Department has established the Bicycle Patrol Unit 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. This is not a full time patrol position but considered an ancillary duty for interested, qualified officers, utilized at the discretion of Shift Supervisors. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY

A shift supervisor may assign a qualified bike officer to bicycle patrol based on the current or anticipated need for bicycle patrol on shift and after considering staffing.

Bicycle Officers patrol in areas of the city where there are large numbers of people. These areas may be patrolled during hours of daylight for high visibility, and at night for the detection of criminal activity not normally discovered by conventional patrol. Bicycle Officers are expected to make a high number of citizen contacts due to the nature of the assignment. The versatility of the bicycle, as well as its popular use by the public, makes it useful for other police assignments and public and private engagements. Bicycles may be used in, but are not limited to, the following areas:

(a) Beaches.

(b) Parks.

(c) Walking and jogging trails.

(d) Apartment complexes.

(e) Downtown business district.

(f) Stake outs.

(g) Planning, implementation and operation of bicycle safety rodeos.

(h) Promoting bicycle safety.

Only officers who have successfully completed bicycle training will be authorized to ride the bicycle.

454.3 TRAINING

Participants in the program must complete an initial department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should attend refresher in-service training, as it becomes available, to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.

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- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers are encouraged to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves as opportunities allow.

454.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is required.

Bicycle Uniform Jacket/Vest - Shall be black in color with a yellow upper section. The jacket shall be marked with the word "POLICE" embossed on the left chest area in black two-inch block lettering. It shall have the word "EDMONDS" embossed in black three-inch block letters above "POLICE" embossed in black four-inch block letters on the upper portion of the back of the jacket. This jacket is authorized for bicycle patrol only and shall not be worn by officers while working regular patrol or off-duty details.

Bicycle Pants - Shall be black in color, long or short, with utility pockets.

Bicycle Shoes - May have straps that serve some function for riding a bicycle. When in short pants, socks may be white in color.

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

454.5 CARE AND USE OF PATROL BICYCLES

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

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 strongly discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

454.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall only be conducted if the bike is equipped with emergency lighting and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

454.7 SUPERVISION

The Bicycle Patrol Unit supervisor will be selected from the rank of Corporal or above by the Field Services Assistant Police Chief or his/her designee. The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Field Services Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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Foot Pursuit Policy

456.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the suspect or the public.

456.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the suspect or the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

456.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area
- Canine search
- Saturation of the area with patrol personnel
- Aerial support
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

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456.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his or her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with the Dispatch Center or with backup officers.

(h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

456.4 RESPONSIBILITIES IN FOOT PURSUITS

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456.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Dispatch Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

456.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

456.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

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The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public unreasonably appears to outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

456.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

  1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Automated License Plate Readers

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Edmonds 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.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Assistant Police Chief. The Assistant Police Chief will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 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.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Edmonds 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.

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All ALPR data downloaded to the server shall be stored according to the Washington State Law Enforcement Records Retention Schedule and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Edmonds Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data 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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Public Recording of Law Enforcement Activity

465.1 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.

465.2 POLICY

The Edmonds 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.

465.3 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.

465.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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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.

465.5 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.

465.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Chapter 5 - Traffic Operations

Adoption Date: 2016/02/02
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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 Edmonds Police Department. . Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

(a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer’s presence

(b) When the offense is one or more of the violations listed in RCW 10.31.100(3)

(c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

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500.5 HIGH-VISIBILITY VESTS

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 should 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 should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. High-visibility vests shall be worn during traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Corporal should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Edmonds Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

500.7 TRAFFIC UNIT/OFFICERS

The purpose of the Traffic Unit is to enforce traffic laws, regulations, and to investigate traffic collisions. Traffic Officers report to the Special Operations Sergeant. Traffic Officers may be assigned to a car or motorcycle. The primary function of the Traffic Unit is the reduction of injury, death, and property damage resulting from improper driving behavior. Enforcement procedures are to be used in concert with education and engineering to accomplish these goals.

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500.7.1 TRAFFIC OFFICER/MOTORCYCLE OFFICER

The Traffic Officer/Motorcycle Officer reports to the Special Operations Sergeant. The officer's primary responsibilities are the enforcement of all DUI laws and all other traffic laws and regulations. The officer investigates traffic collisions as required, with primary responsibility for the investigation of all collisions involving serious injuries or fatalities. The officer participates in traffic and school safety programs as required. The officer will also respond to patrol calls, including the taking of reports, when required.

500.8 SELECTIVE TRAFFIC ENFORCEMENT

(a) The Traffic Unit shall meet with the city traffic engineer on a quarterly basis to analyze collision statistics and identify high collision rate areas.

1. Collision data shall be reported by location, day of the week and time of day in one-hour blocks to determine the highest collision locations and times.
2. The Traffic Unit will determine a course of enforcement to reduce collisions and violations in high collision rate areas.
3. Enforcement in high collision rate areas shall be scheduled to coincide with the high collision times. Enforcement shall be directed toward collision causing violations.
4. The Traffic Unit and the traffic engineer shall determine if regulatory devices are needed in the high collision rate areas.
5. Traffic studies that include data such as traffic volumes and vehicle speed shall also be analyzed.

(b) The Traffic Unit and the traffic engineer shall analyze collision data on a quarterly basis to determine if the selective enforcement plan has resulted in lower collision rates in the targeted high collision rate areas.

1. If collision data shows that the enforcement plan is effective in reducing collisions, the enforcement plan will be continued.
2. If the enforcement plan does not result in fewer collisions, the traffic engineer and the Traffic Unit will attempt to determine if a new plan of enforcement is required to reduce collisions in the targeted high collision area.
3. The Traffic Unit and the traffic engineer shall determine if traffic control devices i.e., speed limit signs, stop signs, traffic signals, etc. would mitigate the incidence of traffic collisions. Selective enforcement is a tool for targeting high accident locations and areas of citizen complaints.
4. Traffic Officers shall implement selective enforcement in high collision rate areas.
5. Selective enforcement shall be implemented in areas of citizen complaints.
6. Shift supervisors shall direct officers to specific areas for selective enforcement.

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7. Traffic Officers shall selectively enforce violations in areas such as school zones, playground zones and crosswalks.
8. Officers will selectively enforce DUI, seatbelt, child restraint, and speed violations in conjunction with Washington Traffic Safety Commission and Three Flags enforcement initiatives.
9. DUI selective enforcement shall coincide with major holidays and PACE enforcement initiatives.

(c) Officers may be deployed to specific locations for selective traffic enforcement to address specific violations.

1. Shift supervisors may deploy traffic or patrol units to areas for selective enforcement.
2. The Chief and Assistant Police Chief may deploy officers to specific areas for selective enforcement.
3. Traffic Officers can determine, from collision statistics and complaints, areas for selective enforcement.

(d) The Traffic Unit shall evaluate selective enforcement effectiveness.

1. Collision statistics before and after enforcement initiatives shall be evaluated to determine the effectiveness of the selective enforcement.
2. Seatbelt usage rates may be evaluated by seatbelt usage counts taken before and after an enforcement initiative.
3. Speed studies conducted by the engineering department may be used to compare speeds before and after an enforcement initiative at a certain location.
4. Studies should be conducted on the same time of day and day of week before and after an enforcement initiative, if possible.

500.9 RADAR TRAILER

Officers assigned to the traffic unit shall be responsible for deploying any department owned or operated radar trailer to areas identified as "high speed" areas within the City in conjunction with speed enforcement activities.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Edmonds 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 Police Staff Assistants for approval and data entry into the Records Management System. The Special Operations Sergeant will be responsible for trimester reports on traffic collision statistics to be forwarded to the Field Services Assistant Police Chief, or other persons as required.

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 CITY VEHICLES

Traffic collision investigation reports shall be taken whenever a City-owned vehicle is involved in a traffic collision upon private property, a roadway or highway involving an injury, an occupied vehicle, a pedestrian or damage to property or another unoccupied vehicle equal to or exceeding the WSP reporting minimum dollar amount. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision does not involve injury, a pedestrian or damage to any vehicles to an apparent extent equal to or greater than the minimum dollar amount currently established by WSP. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the Assistant Police Chief.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Edmonds Police Department resulting in a serious injury or fatality, the Special Operations Sergeant or the Shift Sergeant, may notify the Lynnwood Police Department, Mountlake Terrace Police Department or the Washington State Patrol and request assistance.

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Employees involved in on-duty collisions, regardless of where the collision occurred or which law enforcement agency investigates the collision, will request an Edmonds Police case number and submit a report detailing the incident. Any outside investigative reports will be referenced and included with the Edmonds case report.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Special Operations Sergeant or on-duty Shift Sergeant may request assistance from the Lynnwood Police Department, Mountlake Terrace Police Department or the Washington State Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
All collisions that occur on private property that satisfy the collision reporting criteria established in the following policy section shall be investigated and reported on a Washington State Traffic Collision report.

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 to an apparent extent equal to or greater than the minimum 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 or statute, 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 serious injury or death related traffic collision, the Shift Sergeant shall notify the Special Operations Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Special Operations Sergeant, the Shift Sergeant or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

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Vehicle Towing Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Edmonds Police Department.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher designated as a "Private Tow". When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the appropriate towing service for the City of Edmonds. The officer will then store the vehicle using the Uniform Inventory Impound form.

510.2.2 DRIVING A NON-CITY VEHICLE

Private vehicles should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

For impound tows or for private tows where there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies.

510.2.4 RECORDS UNIT RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Edmonds Police Department the reporting officer will normally direct SNOCOM to notify the legal owner of the recovery. During their review of the case report Records Unit personnel will ensure that notification has been made. If they are unable to confirm that the legal owner has been made aware of the recovery, Records Unit personnel will attempt to notify them immediately.

510.3 TOWING SERVICES

The City of Edmonds periodically selects a firm(s) to act as the official tow service and awards a contract to that firm(s). This firm(s) will be used in the following situations:

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(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

(d) In compliance with 46.55.113 (subject to summary impoundment following the arrest of driver for DUI or Physical Control).

(e) When it is necessary to tow an Edmonds police vehicle due to mechanical failure or a collision.

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. DUI, 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); RCW 46.55.360).

(b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.

(c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.

(d) Whether the vehicle can be secured.

(e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.

(f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).

(g) Whether the owner/operator requests that the vehicle be stored.

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(h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

510.5 VEHICLE INVENTORY

All property in a stored or impounded unlocked vehicle shall be inventoried and listed on the vehicle storage form. Absent consent or exigent circumstances a locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

Items of obvious value, contraband or involving matters of public safety shall be placed into property for safe keeping.

510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, 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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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).

514.1.1 ARREST AND BOOKING

Officers should use FSTs when practical, observed driving violations or oddities, physical observations, witness statements, etc., to make a determination of probable cause to arrest for DUI. Officers shall follow the guidelines and procedures as stated on the standard WSP alcohol/drug arrest report.

This department has an aggressive enforcement policy for DUI and other alcohol/drug related driving offenses, both gross-misdemeanor and felony.

(a) For any arrest where booking is mandated by law, the subject shall be booked.

(b) Officers shall book subjects for DUI or other alcohol/drug related driving offenses at Snohomish County Jail.

    1. Deviation from this provision may be authorized in advance by the Chief of Police or designee when Edmonds officers are participating in a designated grant funded DUI task force.

(c) In those cases when a booking exception is authorized by policy, officers may choose to cite and release. After DUI processing, the subject should be released to a responsible party or given a public assist ride home. Specifics of the release shall be documented in the case report.

There may be instances when the feasibility of a mandatory or discretionary booking under this policy will come into question (i.e. investigative blood draw obtained, medical issues, elderly, staffing issues, etc.) and those matters shall be decided on a case by case basis by the shift supervisor.

The decision to impound the vehicle of a DUI driver shall be made in accordance with RCW 46.55.113 (summary impoundment following the arrest of driver for DUI or Physical Control) and Edmonds Police Department Policy 510, Vehicle Towing Policy.

514.2 POLICY

The Edmonds 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.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

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514.4 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests of breath 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 any 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 or a THC concentration above 0.00 (RCW 46.61.503).

(c) The officer has stopped a person operating a commercial motor vehicle license and has probable cause to believe that the person was driving while having alcohol in the person's system or while under the influence of any drug (RCW 46.25.120).

(d) The person is dead, unconscious or otherwise in a condition rendering him/her incapable of refusal.

514.4.1 BLOOD TESTS

Only persons authorized by law to withdraw blood shall collect blood samples (RCW 46.61.506). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308).

514.5 REFUSALS

When a person refuses to provide a chemical sample, officers should:

(a) Advise the person of the requirement to provide a breath sample (RCW 46.20.308).

(b) Audio-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

514.5.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who is unconscious or who has been arrested and refuses a chemical test when any of the following conditions exist (RCW 46.20.308):

(a) A search warrant has been obtained.

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(b) Exigent circumstances exist and the person has been arrested for one of the following offenses:

1. Felony DUI (RCW 46.61.502(6)).
2. Felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)).
3. Vehicular homicide (RCW 46.61.520).
4. Vehicular assault (RCW 46.61.522).
5. DUI involving an accident in which there has been serious bodily injury to another person (RCW 46.20.308).
6. Vessel accident in which there has been serious bodily injury to another person or death while under the influence of marijuana or any drug (RCW 79A.60.040).

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.5.2 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(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 person 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 withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and the forced withdrawal.

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

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(f) Monitor and ensure that the type and level of force applied is 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 suspect 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 being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw 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.

514.6 ARREST AND INVESTIGATION

514.6.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100(3)(d)).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years (RCW 10.31.100).

514.6.2 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(6)):

(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 their right to a hearing before the DOL.

(c) Advise the person that his/her marked 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.

514.6.3 STATUTORY WARNING

An officer requesting that a person submit to a chemical test shall provide the person with the mandatory warnings pursuant to RCW 46.20.308(2).

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514.6.4 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 46.61.506).

514.7 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed. The Police Staff Assistants will forward the reports to DOL.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

514.9 TRAINING

The Training Corporal should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Corporal should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Records Unit or Administrative Assistant shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation should be referred to the Sergeant of the issuing officer. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant may request the Assistant Police Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a paper traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor with a request to have the citation voided. The citation and request shall be forwarded to the Assistant Chief of Field Services.

SECTOR electronic citations which have not been issued or uploaded may be voided using the void process of the SECTOR application. An explanation of why the citation was voided must be completed in the reason section.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation should send a memo to the prosecutor, with a carbon copy to the court, explaining the issue and requesting the amendment be made.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all paper traffic citations issued by members of this department shall be forwarded to the Records Unit. SECTOR electronic citations will be uploaded during or at the end of the shift they are issued.

Upon separation from employment with this department, all employees issued citation books shall return any unused citations to the Records Unit.

516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Juveniles, age 16 and over, are treated the same as adults for processing in court for traffic violations. If a juvenile is under 16 and commits a traffic violation which the officer wishes to pursue, a Snohomish County Superform should be completed with the case report for forwarding to the court.

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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.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety, or assisting a motorist with changing a tire are not considered a mechanical repair.

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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

Employees are not authorized to recommend to the County Prosecutor, City Prosecutor, 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 Prosecutor's Office only as authorized by a Assistant Police Chief or the Chief of Police.

600.3 CONSTITUTIONAL MATTERS

All employees of the Edmonds Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Unit 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 24 HOUR DETECTIVE COVERAGE

In order to provide 24-hour detective coverage, the Detective Sergeant will maintain a list of detectives for call out. This list will contain only the name, telephone numbers and pager number (if applicable) of each detective. Any request for a detective will be routed through the Detective Sergeant. In the absence of the Detective Sergeant, the Corporal, if any, or the senior detective will be contacted.

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600.6 CASE SCREENING SYSTEM

The agency utilizes a case management system for screening and assigning incident reports for follow-up investigations.

The Detective Sergeant or designee will screen all cases for follow up. The criteria for determining whether a case will be followed up will be based on but not limited to, solvability factors, degree of seriousness, resources, and the community sensitive nature of the crime. The Detective Sergeant is expected to exercise good judgment when deciding whether to assign a case for follow up and to consider community standards and expectations.

(a) Solvability Factors

1. Solvability factors requiring that a follow up investigation be conducted include but are not limited to:
   - (a) Suspect is arrested.
   - (b) Suspect is named or known.
   - (c) Suspect is identified.
   - (d) Suspect can be located.
   - (e) Suspect vehicle license known.
   - (f) Suspect vehicle can be identified.
   - (g) A major injury or dangerous felony.
   - (h) The crime is of a community sensitive nature.
2. When conditional solvability factors exist, the Detective Sergeant may assign a case for follow up investigation. Conditional solvability factors may include but are not limited to:
   - (a) Significant physical evidence.
   - (b) The presence of a significant modus operandi or pattern.
   - (c) Traceable stolen property.
   - (d) Victim is hospitalized.
3. Besides solvability factors, other elements to considered for case assignment may include but are not limited to:
   - (a) Documented departmental experience.
   - (b) Documented experience of other law enforcement agencies.
   - (c) Research and intelligence conducted within the agency.

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(d) Research and intelligence conducted in other law enforcement agencies.

(b) When follow up is warranted by the detective unit, the Detective Sergeant (or designee) will assign each case to a principal investigator. Assignment of cases will be based on specialized training, caseloads, and other criteria. Consideration will also be given to career development and cross training.

(a) Detective personnel may be assigned specialized duties but this does not preclude the assignment of duties outside the specialty area.

(b) Additional investigators can be assigned to assist the principal detective, however this does not relieve the primary investigator of the accountability for the completion of the case.

600.7 INVESTIGATIVE FUNDS

Investigative funds are established for the purpose of providing assistance to investigations of all crimes, including vice and organized crime. Any use outside the normal scope of expenditures outlined here must be approved in advance by the Chief of Police or Assistant Police Chief.

The Detective Sergeant maintains these funds. Monies from this fund may be used for the purchase of non-narcotics related information and other fees to further an investigation. Such uses may include:

- Payment of informant for information.
- Purchasing contraband as evidence.
- Surveillance equipment and activities.
- Monies paid to an informant for information leading to an arrest.

Prior approval is needed from the Chief of Police or designee for any expenditure from this fund. All expenditures must be logged in a logbook and confirmed by a numbered receipt. The receipt shall include:

- Case number if available.
- Identity of detective using funds.
- Supervisor authorizing its use.
- Reason for the use.

These funds will be kept in a secure location. Reimbursement of this fund is from the general fund per Edmonds City Code 3.07. Reimbursement shall be requested via the Executive Assistant anytime the fund goes below $250. The fund maximum balance is $500.

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600.8 ARRESTS BY PRIVATE PERSONS

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

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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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Edmonds Police Department seizes property for forfeiture or when the Edmonds Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Generally includes, but is not limited to:

(a) Firearms that were carried, possessed or sold illegally (RCW 9.41.098).

(b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9.46.231).

(c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).

(d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).

(e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).

(f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).

(g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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(h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).

(i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Edmonds 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 Edmonds 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.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.

(b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.

(c) Property subject to forfeiture can also be seized without a court order when:

1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).

2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9.68A.100; RCW 9. 68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).

3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).

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4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.

(c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).

(d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

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Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
   (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
   (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.

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9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Edmonds Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).

(m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

606.7 DISPOSITION OF PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Edmonds Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

The purchase of narcotics, property, information, and the utilization of informants are essential elements in the function of certain investigations. Informants will be utilized only to the extent that their assistance is necessary to accomplish department/unit goals.

608.2 INFORMANT FILE SYSTEM

Confidential Informant: A confidential informant is a person who provides information and/or services to members of the department with or without expectation of compensation in the form of money, or other considerations made under the direction of the department/unit, the county prosecutor's office, or any other branch of the criminal justice system. There are three types of confidential informants.

(a) **Defendant/Informant:** As above, but subject to arrest and prosecution for a state or city offense; or a defendant in a pending federal or state case who expects consideration for their assistance in either the form of judicial or prosecutorial consideration; or compensation of another form.

(b) **Mercenary Informant:** As above, but works strictly for money as compensation for their assistance to the department.

(c) **Concerned Citizen Informant:** As above, but neither wants to work for money nor do they have charges pending.

(d) **A Source of Information:** A person or organization, not under the direction of a specific detective, who provides information without becoming a party to the investigation itself (e.g., a business firm furnishing information from its records; an employee of an organization who, through routine activities, obtains information of value to the department; or a concerned citizen who witnesses an event of interest to the department). The title "informant" does not apply to a "source of information," unless the source seeks financial compensation or becomes a continuing active part of the investigative process.

608.3 USE OF INFORMANTS

There are four criteria that must be met to establish a person as an informant:

(a) The person is in a position to measurably assist the department in a present or future investigation.

(b) The utilization of the person shall not compromise department's interests and activities.

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(c) The person shall accept the measure of direction necessary for effective utilization of their services.

(d) Supervisory approval: the requesting officer will submit an Informant Background form, which shall contain all specified information, including:

1. Informant's identification number.
2. Social Security number.
3. Home and business telephone numbers.
4. Photographs - All informants shall be photographed (unless a recent photograph is already available). The supervisor may waive this requirement in cases of extreme sensitivity.
5. Criminal History Check
   (a) A preliminary check on each informant shall be conducted through WACIC/NCIC to determine if there is an outstanding warrant on file.
   (b) All potential informants shall be processed through the State Identification Section (WASIS) and FBI Identification files.
   (c) If identity of the informant is in question, a fingerprint check will be utilized. For extremely sensitive informants, a polygraph test may be utilized to establish veracity.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

The following guidelines are intended to ensure that defendant/informants provide information or render services in a manner that recognizes their status as individuals subject to legal sanctions for criminal violations. The use of defendant/informants shall be governed by the following:

(a) If charges have been filed, the approval of the appropriate prosecutor (i.e., federal, state, or local) shall be obtained prior to utilization of the defendant.

(b) A defendant may be advised that cooperation will be brought to the attention of the appropriate prosecutor. No further representations or assurances shall be given without approval of the prosecutor. The appropriate prosecutor shall have sole authority to decide whether or not to prosecute a case against a defendant/informant.

(c) The appropriate prosecutor shall be advised of the nature and scope of the defendant/informant's cooperation throughout the period of the investigation. The prosecutor shall set the procedures and frequency of this reporting.

(d) Prior to formally seeking, from the prosecutor, the dismissal or reduction of any criminal charge against a defendant/informant, a task force supervisor shall sign and approve the agreement.

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(e) Use of defendant/informants shall be reviewed in the manner prescribed for other informants. Their use may be continued only if they are found to meet the standards set forth therein.

(f) If charges have not been filed, the unit sergeant will serve as the approving authority prior to utilization of the defendant.

(g) A formal agreement shall be signed between the defendant/informant, handling officer and approved by the sergeant.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The following applies to the utilization of all informants:

(a) Informants are assets of the department/unit, not specific officers.

(b) Officer/informant contacts shall be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.

(c) Contacts with informants shall minimize their access to knowledge of department/unit facilities, operations, activities, and personnel.

(d) Two officers shall be present at all contacts with an informant. This can only be waived if the officer meets with the informant inside of a police department or jail facility.

(e) All significant contacts with the informant and all information obtained at these contacts shall be documented.

(f) Officers will obtain a signed, written record admonishment advising the informant of his/her responsibilities while working with the department/unit. This will protect detectives in many situations wherein the informant's conduct becomes unfavorable. Informants (and sources of information) shall be advised at the outset that:

1. They shall not violate any criminal law to gather information or provide services for the department/unit.
2. They shall not possess, sell, or deliver any narcotics or controlled substances, except when specifically directed to do so by a department/unit officer.
3. They are not a police officer and they do not have any power of arrest or other legal authority.
4. The department/unit will use all lawful means to protect their identity, but this cannot be guaranteed.
5. They are not employees of the agency.

(g) The prosecutor shall be advised of any assurances and/or compensation provided an informant or defendant/informant in advance of any judicial proceeding.

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(h) Information obtained from informants will be evaluated and tested (when possible) before police action is initiated.

(i) Personal contact with informants of the opposite sex shall be accomplished with two officers present.

(j) Informants shall not be given officers' home addresses or home telephone numbers. A business telephone number will be given to all informants where the officer can be reached.

(k) Under no circumstances shall any member of the department/unit provide an informant with narcotics of any kind.

608.5.1 PAYMENT PROCEDURE

When informants participate in undercover purchases/introductions involving official funds, controlled narcotics, or items of potential evidentiary value, the buy will require a minimum of three officers for surveillance purposes. When informants participate in controlled purchases for the purpose of obtaining a search warrant, the buy will require a minimum of two officers. In either case, every effort will be made to notify the agency of jurisdiction for emergency assistance should it be needed. Each buy will be controlled in the following manner:

(a) The informant will be thoroughly searched preceding the buy. If the informant's vehicle or residence is utilized in the investigation, a thorough search will also be conducted of those areas to which the informant has access. All searches of an informant's person shall be conducted by a department/unit member or other law enforcement member of the same sex as the informant, whenever possible. If an informant of the opposite sex must be searched, at least one other officer shall witness that search.

(b) The informant will be given department/unit funds, which have been recorded by serial number, for the purchase of any contraband. The informant shall not purchase any contraband with personal funds. To avoid any error, all personal funds should be taken from the informant prior to contact with the suspect. The personal funds shall be returned to the informant immediately upon completion of the transaction.

(c) When possible, constant surveillance will be conducted on the informant after the search and until he/she meets with investigating officers.

(d) Upon completion of the transaction the informant shall then be thoroughly searched as in subsection a. All evidence and department/unit funds will be retrieved from the informant. When possible, the entire process (subsections a-e) should be accomplished by the same officer, as well as with the same witness.

(e) The informant shall be thoroughly de-briefed and a statement signed by the informant shall be obtained. The statement shall include a complete description of the suspect, a detailed account of all circumstances and conversations involved in the transaction, and any other facts that may be of importance.

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608.5.2 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

608.6 PAYMENT OF INFORMANTS

No money shall be paid to an informant unless the following conditions are satisfied:

(a) The officer making payment is required to have one additional officer's signature on the voucher/receipt.

(b) Prior approval has been obtained from the department/unit supervisor.

(c) The case officer will record all monies paid to an informant in the informant file. Moneys shall not be paid to any informant prior to the completion of his services unless other arrangements were made at the start of the investigation. It shall be the general rule that all payments shall be made in full at that time. Officers are discouraged from promising an informant a fixed sum of money. Payments will first be discussed with the department/unit supervisor. Informants will be paid in amounts appropriate to the following criteria:

1. Nature and complexity of investigation.
2. Impact of the investigation/arrest on community.
3. Past reliability and work record of informant.

608.7 INFORMANT CONTROL

(a) Each informant will be given an identification number.

(b) The unit sergeant shall maintain a log of informant identification numbers in sequential order.

(c) Each informant identification number shall have four or five characters, as follows: The first two numbers will be the year (e.g. 2010 will be denoted as 10). The following two or three numbers will be the number assigned to that informant in a sequential fashion. (e.g. 10-24, this number indicates that the informant was the 24th informant signed up by the unit in the year 2010).

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608.7.1 INFORMANT FILES

A separate file jacket shall be established for each informant. These files shall be stored in a secure location, segregated from any other files. In instances of extreme sensitivity, files of informants for whom a waiver of established procedures was granted may be stored separately from other informant files. Access shall be limited to the unit sergeant and unit personnel designated to control the informant's utilization. Upon deactivating such informants, the sergeant shall determine whether the file should be integrated into the regular informant files.

608.8 PROBLEM/UNRELIABLE INFORMANTS

Reasons for an informant being deemed a problem or unreliable include: giving false information, unreliability in handling money and/or evidence, continuous criminal activity while serving as an informant, etc.

In the event an informant becomes unreliable, the unreliable informant information shall be submitted to WSIN for "red flagging".

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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 -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.

610.2 POLICY

This 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

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Detective Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process 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.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An 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.

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

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

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.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

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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 should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) 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.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

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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.

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

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 Edmonds Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Edmonds Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Edmonds 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 and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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612.4 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy. Depending upon the nature of the allegation and disposition of the investigation, the department may have a legal obligation to notify the appropriate prosecuting attorney if such information could be reasonably viewed as significantly impairing the credibility of an officer that will or may testify in a criminal proceeding. The Snohomish County Prosecuting Attorney has adopted guidelines for Potential Impeachment Disclosure as it relates to law enforcement agencies.

Adoption Date: 2016/02/02
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Chapter 7 - Equipment

Adoption Date: 2016/02/02
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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.

(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 a City of Edmonds claim form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Assistant Police Chief, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work. Nor will it replace old or worn items of personal property that the employee knew, or should have known, was not in good serviceable condition. Damaged personal property that was not essential to the employees job tasks or items utilized in a manner which was not in the furtherance of that employees duties may not be eligible for replacement by the Department (e.g. personally owned cell phone used for personal business during an employee's shift).

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause loss or damage to the real or personal property of another while performing their duties. Any employee who loses or 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 Assistant Police Chief.

Adoption Date: 2016/02/02
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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 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 (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

702.2 DEPARTMENTALLY ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a personal communication device (PCD). Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason. An employee's use of a department owned PCD may also be rescinded at any time at the discretion of the department.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department-related business except as provided for below.

Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

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(a) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

(b) Extended or frequent use of departmentally issued or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use of Department owned PCDs.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (RCW 46.61.667).

Except in the case of an emergency employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate in the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political/community events.

(f) Investigative stakeouts where regular phone usage is not practical.

(g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.

(h) To contact complainants, victims, witnesses or other parties as part of an employee's assigned duties.

(i) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

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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. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024
- 2 cans spray paint
- 1 25 foot measuring tape
- 1 100 foot measuring tape
- 1 rolling measuring device

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk

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- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, vehicles should be refueled at the end of each shift, or at any other time when the fuel gauge indicates one-half tank or less. Vehicles shall only be refueled at an authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Prior to any non-sworn employees using marked vehicles an officer shall ensure that all weapons are removed from vehicle. Non-sworn employees shall also prominently display the "out of service" placards or light-bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor (with the exception of fleet maintenance personnel testing equipment at their facility).

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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 Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

706.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate City-owned vehicles at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. 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.

706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing City-owned vehicles for any purpose other than their regularly assigned duties shall first notify the Shift Sergeant of the reason for use and a notation will be made on the shift roster indicating the operator’s name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

706.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

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706.3.4 INVESTIGATION DIVISION VEHICLES
Investigation Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigation Division supervisor. After-hours use of Investigation Division vehicles by members not assigned to the Investigation Division shall be recorded with the Shift Sergeant on the shift roster.

706.3.5 AUTHORIZED PASSENGERS
Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

When providing a public assist (or non-custodial transport) of individuals of the opposite sex or juveniles, the officer will advise SNOCOM of their destination and vehicle mileage at the start of the transport. Upon arrival at their destination the officer will advise SNOCOM of their exact location and the ending mileage. The times (starting and ending) will be recorded by SNOCOM on the officers unit history. Officers are encouraged to follow this practice with any individual transported if they believe it to be prudent.

706.3.6 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to City-owned vehicles or in any other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.7 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

706.3.8 PRIVACY
All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 ASSIGNED VEHICLE AGREEMENT
City owned vehicles assigned to members for their use within their job assignment may be used to transport the member to and from their residence for work-related purposes. The member may be required to sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the member is not on duty.

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The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization. The agreement also requires the member to be responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance and supplies.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Members assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

Members may take home City owned vehicles only with prior approval from their Assistant Police Chief and shall meet the following criteria:

(a) The member lives within a 20 mile radius of the nearest City limits.

(b) Vehicles shall be locked when not attended.

(c) Assigned motorcycles shall be secured inside an adequate structure at the members' residence.

(d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home).

When a member is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the members residence or at the police facility or City shop.

*Exceptions may be granted to these provisions at the discretion of the Chief of Police.

706.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Edmonds Police Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Officers may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Officers shall, at all times while driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

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706.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

706.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Assistant Police Chief.

706.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a police department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report outside of the City of Edmonds shall be filed with the agency having jurisdiction (see also the Traffic Collision Reporting Policy).

When a collision involves a police department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the City's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

706.9 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a City-owned vehicle upon the toll road shall adhere to the following:

(a) All members operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

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(b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Assistant Police Chief within five working days explaining the circumstances.

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Chapter 8 - Support Services/Units

Adoption Date: 2016/02/02
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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

All members of the department will participate in the collection of crime data. When creating reports and other documents, department members will include all available crime data elements. The crime analysis function will be assigned to a qualified person selected by the Chief of Police.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the

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development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

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.

For specific direction concerning the collection, processing and packaging of evidence the Edmonds Police Department Property/Evidence Procedures Manual should be consulted. This manual was created with guidelines consistent with the intent of the policies and procedures outlined in the current Washington State Patrol Evidence Collection Manual. The EPD Property/ Evidence Procedures Manual can be located on the department server or a hard copy may be referenced in the evidence packaging room.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

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 property locker or storage area along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A case report or supplemental to the found property report must be completed to document the release of property not booked and the owner shall sign a statement form acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

All property shall be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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(b) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(c) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(d) When the property is too large to be placed in a locker, the item may be retained in another secured area. Submit the completed property record into a numbered locker indicating the location of the property.

(e) Every piece of property and evidence shall be related to a case report describing the circumstances of the seizure or custody of the item.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked in accordance with the packaging instructions provided in the Property/Evidence Manual.

804.3.3 EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, roadway/railroad flares, or fuses that are considered safe will be deposited in a designated container in the Police Department Garage. The contents will be transported to the current accepting agency on a regular basis by the Property Officer.

Officers who encounter an explosive device shall immediately notify the immediate supervisor and/or Shift Sergeant. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

Chemicals will not be placed into the property room. The Fire Department, South Snohomish County Narcotics Task Force and Washington State Crime Lab should be notified if a drug lab has been located or chemicals utilized in the production of drugs are located. Citizens with suspicious chemicals will be referred to the Fire Department.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) Perishable items of evidence will be processed according to procedures outlined in the Evidence Manual to assure proper preservation.

(c) License plates found not to be stolen or connected with a known crime, should still be booked into property for later destruction.

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(d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be given directly to the property officer, or placed in the bicycle storage area until a property officer can log the property.

(e) All cash shall be counted in the presence of a witnessing Edmonds PD employee and the envelope initialed by the booking officer and the witnessing employee.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective, the property officer or the records supervisor to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

804.3.6 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has been ordered by a court under RCW 9.41.800 to surrender the firearm. 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.

The property officer shall store a firearm accepted pursuant to this policy. The firearm shall be returned to the owner as provided by the court order or any additional court order.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs.

(b) Firearms (ensure they are unloaded and booked separately from ammunition).

(c) Property with more than one known owner.

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(d) Fireworks.

(e) Contraband.

*See Property/Evidence Procedures Manual.

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Designated, available boxes should be used to package items such as knives and guns.

Hypodermic syringes shall not routinely be entered into evidence. If extenuating circumstances (homicide, suicide, etc.) mandate that a syringe containing an unknown substance requires laboratory examination an officer shall follow the specific guidelines for such a situation set forth in the Property/Evidence Procedures Manual.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed using a calibrated scale, packaged, tagged, and placed in the designated locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics submitted as part of a criminal investigation. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the evidence processing room. The booking officer shall initial the sealed, taped envelope with their initials covering part of the tape and the envelope. Narcotics and dangerous drugs shall not be packaged with other property.

The pre-stamped label information will be filled out or a completed evidence label or tag shall be attached to the package.

*See Property/Evidence Procedures Manual for specifics.

804.5 RECORDING OF PROPERTY

The property officer receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored on the property control card.

The Evidence/Property number shall be obtained for each item or group of items. Thisnumber shall be recorded on property tag and the property control card.

Any changes in the location of property held by the Edmonds Police Department shall be noted in the property logbook.

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804.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence report shall be completed to maintain the chain of possession. No property or evidence in an active case is to be released without the authorization of a supervisor or the Detective Sergeant.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and return the copies and or evidence to the Property Officer or place in a temporary evidence locker. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Unit for filing with the case.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

Once the release is approved by the investigating officer, prosecutor, and/or other persons as required, anyone requesting release of property held in the property room should be directed to contact the Property Officer to arrange for the release of said property. Employees will not tell citizens to come to the station to claim items held in the property room, and employees will not be given items from the property room for release.

Only the Property Officer should release property unless the Property Officer is unavailable, as in the case of extended leave. Under these circumstances, the designated Police Services Assistant,

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or the Training Corporal may release property and provide documentation of the release to the Property Officer as soon as practical. The above employees are the only ones with access to the property room and release authority.

804.6.5 RELEASE OF PROPERTY

The Edmonds Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the property officer shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

(a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).

(b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).

(c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:

    1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and

    2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

    3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the

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Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Administrative Sergeant and the Property Officer will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

Each properly marked and packaged container said to contain a controlled substance shall be weighed on a calibrated scale by the Property Officer prior to its entry to the property room. The total weight of this sealed package shall be noted on the evidence form as well as entered into the evidence computer module. Each time this package is checked in or out of the evidence room, it shall be weighed again with the weight noted on the form as well as the computer module. Any unusual deviation in weights shall be brought to the immediate attention of the designated records supervisor

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.

804.6.9 SEPARATE STORAGE

Items such as jewelry, money, drugs, and guns will be kept separate from other items of evidence. Drugs and guns will be placed in one of two separate storage rooms within the evidence room. Jewelry and money will be kept in the Property Room safe.

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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 upon receipt of proper authorization for disposal. The property officer should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

804.7.1 PRESERVATION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Detective Unit supervisor

Biological evidence shall be retained for a minimum period established by law, the Property and Evidence Section supervisor, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Detective Unit supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

The designated records supervisor will inspect the property room semi-annually to insure adherence to department policies and procedures.

An inventory of the property room will be conducted whenever the employee responsible for the property room is changed. The newly selected Property Officer and a person designated by the Chief of Police will conduct the inventory.

- The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property. The inventory should be sufficient to ensure the integrity of the system and the accountability of the property. During the joint inventory, a sufficient number of property records should be reviewed carefully with respect to proper documentation and accountability. The person assuming custody of the property

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should ensure that all records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian.

An annual audit will be conducted by a supervisor not routinely or directly connected with the property room.

- The purpose of the annual audit is to ensure the integrity of the system, not to require an accounting for every item of property. The annual audit should be a random sampling of property held to satisfy the auditor that policies and procedures are being followed. The person named to conduct the inventory should be appointed by the agency's chief executive officer. Under no circumstances should that inspector be appointed by supervisory or command officers having the property function under their control.

The designated records supervisor or designee shall conduct unannounced inspections of the property room on an as needed basis.

804.8.1 PROPERTY AND EVIDENCE SECTION SECURITY

Access to the Edmonds Police Department Property and Evidence Section is restricted to authorized department personnel only. It shall be the responsibility of the property officer to control all access to the Property and Evidence Section. Access to the property room and all evidence processing labs is restricted to the following:

(a) Property Officer

(b) A designated Police Services Assistant.

(c) Training Corporal.

(d) Employees authorized by the department to process evidence, trained as Latent Fingerprint Examiners and Leaf Marijuana Examiners, will have access to the evidence processing lab only.

The property officer shall maintain a log of all persons entering the secured area of the Property and Evidence Section. Personnel, other than those assigned to the Property and Evidence Section, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

The Edmonds Police Department property room is equipped with an alarm system that is monitored 24/7. Only those persons listed in this Policy as having authorized access will have the access codes for this alarm.

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Records

806.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Unit Procedures Manual on a regular basis to reflect the procedures being followed within the Records Unit. Policies and procedures that apply to all employees of this department are contained in this chapter.

*For specifics regarding Records Unit procedures, the Records Procedures Manual is located on the Police Network Server.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Unit by Records Unit personnel.

Each call for service is assigned an incident number in chronological sequence in the order it is received through SNOCOM and the CAD system. Each case is assigned its own number. The case number consists of the last two digits of the current year, followed by a sequentially issued number, which begins on January 1st of a new year with 0001 (Example 99-0001). Records personnel will ensure during records processing that the correct case number for the incident is on the written document submitted.

Assigned records personnel do a routine inventory of all case numbers in which no report has been submitted. Case numbers that are canceled will be noted in the log and missing reports located.

806.1.2 UNIFORM CRIME REPORTING

The Edmonds Police Department participates in Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Supervisor is responsible for ensuring that UCR/NIBRS reports are provided to WASPC on a regular basis.

806.2 FILE ACCESS AND SECURITY

The records unit is located within the secured confines of the police department. All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in the secure area of the Records Unit accessible only to authorized Records Unit personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant or Corporal.

(a) Access to the records rooms is limited to employees designated by the Chief of Police and an extensive background investigation will have been completed on all designated personnel.

(b) Access to all computerized records is controlled by assigned security levels. All authorized personnel must have been given access through an authorized password. Most personnel have a "read only" limit on their access. Only authorized personnel have the ability to enter or modify records.

(c) The current and at least one previous years hard copy offense, arrest, and collision reports are maintained in the records file room. Each report is filed sequentially by year and by an identifying case number. Records are scanned into the document imaging system. Scanning

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is performed on a schedule determined by the designated records supervisor in compliance with state law.

Edmonds Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Unit. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Unit shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Unit.

806.2.2 RECORDS CONCERNING JUVENILES

The Records Supervisor 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 Supervisor shall ensure that all records pertaining to that juvenile are destroyed within 30 days (RCW 13.50.0002).

806.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

A Central Computerized Enforcement Service System (ACCESS) is a computer controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and WACIC. There are specific requirements for agencies accessing the information in the group of computers systems in ACCESS.

806.3.1 ACCESS USE REQUIREMENTS

No member of the Edmonds Police Department shall operate any of the ACCESS systems without first complying with the training requirements as they are listed in the ACCESS Manual, Chapter 1, Section 5, Item D.

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806.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Edmonds 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
- Canceling information
- Providing 24 hour access to agency warrants

It is the responsibility of the Records Supervisor to ensure that all ACCESS computer and network security requirements are in place and operational (ACCESS Manual, Chapter 1, Section 2, Item A). ACCESS systems are for official use only and any use is subject to regular audit.

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 Washington Crime Information Center (WACIC) when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II,A):

(a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute 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 who he/she believes is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

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Once approved, the Records Unit is responsible for forwarding the report to SNOCOM who makes the appropriate entry into WACIC.

Whenever an Officer Safety Advisory is initiated by the Edmonds Police Department, it is the responsibility of the Records Supervisor to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are provided to SNOCOM. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation. This information is maintained by SNOCOM.

806.5 RECORDS RETENTION SCHEDULE

The minimum retention period for all records maintained by this department shall be regulated by the "General Records Retention Schedule for Law Enforcement". After review, all appropriate records may be authorized for destruction, in writing, by the designated Records Supervisor. All destruction shall be recorded on a destruction log.

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Records Release and Security

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with the Public Records Act (RCW 42.56, et seq.).

810.2 DEFINITIONS

Privacy Violation (right of privacy, right to privacy, personal privacy) - An invasion or violation of privacy occurs only if disclosure of information about the person would be highly offensive to a reasonable person, and is not of legitimate concern to the public. The rights to privacy in certain public records do not create any right of privacy beyond those rights that are specified by law as express exemptions from the public's right to inspect, examine, or copy public records (RCW 42.56.050).

Public Record - Includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

Writing - Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated (RCW 42.56.010(3)).

810.3 PUBLIC RECORDS OFFICER

The Records Supervisor is designated as the Public Records Officer for the Police Department and is responsible as the point of contact for members of the public when requesting disclosure of public records and in overseeing the agency's compliance with the public records disclosure requirements.

The Records Supervisor, or designee, will post his/her name, role as the Public Records Officer for the Police Department, and contact information in the facility conspicuously visible to the public, and on the department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580).

It should also be noted that the designated Public Records Officer for the City of Edmonds is the City Clerk.

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810.4 PUBLIC REQUESTS FOR RECORDS

The Public Records Act provides that public records created by a public agency shall be subject to inspection and copying pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute (RCW 42.56.070(1)).

The Records Supervisor shall publish, maintain and make available to the public a current list containing every law that exempts or prohibits disclosure of specific information or records of the department (RCW 42.56.070(2)). The business hours for record inspection or copying shall be posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

The Records Unit shall also establish, maintain and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any (RCW 42.56.070(7) and (8)).

Public requests for records of this Department shall be processed as follows (RCW 42.56.070):

810.4.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a request for each record sought and paying any associated fees. The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests shall be in accordance with this policy and RCW 42.56.520.

(b) The Department shall not be required to create records that do not otherwise exist in order to accommodate any request under the Public Records Act.

810.4.2 PROMPT RESPONSE REQUIRED

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

(a) Providing the record.

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.

(c) Denying the public record request.

(d) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies

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affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Records Supervisor will establish mechanisms for the most prompt possible review of decisions denying inspection. Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.660).

810.5 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.5.1 GENERAL CASE AND CRIME REPORTS

Examples of release restrictions include (RCW 42.56.240):

(a) **Intelligence and investigative records** - Specific intelligence information and specific investigative records, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

(b) **Victim and witness information** - Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints, if at the time a complaint is filed the complainant, victim or witness indicated a desire for disclosure or nondisclosure.

(c) **Sex offenses** - Investigative reports pertaining to sex offenses under RCW 9A.44 et seq., or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval, pursuant to RCW 40.14.070(2)(b).

(d) **License applications** - Copies of license applications, including concealed pistol license applications or information on the applications may only be released to law enforcement or corrections agencies under RCW 9.41.070.

(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

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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 ARREST REPORTS

Arrest reports shall not be disseminated pursuant to the Criminal Records Privacy Act except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, City Prosecutor or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Policy Manual § 812.

810.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol
- Department of Motor Vehicles
- Other Law Enforcement Agencies
- As authorized by law or valid court order

Upon request, parties having proper interest or involvement in the specific reported collision shall receive all of the factual data submitted in the report with the exception of the reports signed by the drivers involved in the accident. Such parties include the following (RCW 46.52.083):

- Involved Drivers
- Legal guardians of the drivers
- Parent of a minor driver
- Injured parties
- Owners of damaged property
- Authorized attorney or insurance carrier

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Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

810.5.4 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

(a) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(b) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(c) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(d) Information that identifies a person who, while a Department employee:

1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.

2. Requests his/her identity or any identifying information not be disclosed.

(e) Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(f) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.

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 Support 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

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would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

810.6 OTHER RECORDS

This Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure.

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure.

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to:

(a) Drafts, Notes Recommendations, Memorandums: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action (RCW 42.56.280).

(b) Department Party to Controversy: Records that are relevant to a controversy to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).

(c) Security: Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of (RCW 42.56.420):

1. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.

2. Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(d) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety, including:

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1. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
2. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities and other information that may increase the risk to the confidentiality, integrity or availability of department security, information technology infrastructure or assets.
3. The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

810.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

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Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Edmonds Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Edmonds Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the Edmonds Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Edmonds Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Conduct Policy.

812.4.2 NON-CONVICTION DATA

Non-conviction data contained in CHRI will not be released except as allowed by statute under RCW 10.97.050.

Non-conviction data consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered (RCW 10.97.030).

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any

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other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions and in accordance with the Edmonds Police Department Evidence Manual.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories officers shall follow closely the procedures set forth in the Edmonds Police Department Evidence Procedures manual.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard discs, floppy discs, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage in compliance with the procedures set for in the Edmonds Police Department Evidence Manual.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images. Refer to the Edmonds Police Department Evidence Manual for specific procedures.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with the procedures set forth in the Edmonds Police Department Evidence Manual to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The Edmonds Police Department Evidence Manual establishes the agency specific procedures for the submission of digital media used by cameras or other recorders.

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Parking Enforcement

815.1 PURPOSE AND SCOPE

The Edmonds Police Department enforces existing state and local parking regulations. Primary responsibility rests with the Animal Control/Ordinance Enforcement Officers (ACO/OEO's) who are empowered to enforce all state and local parking regulations. Police officers may also enforce state and local parking regulations.

815.2 AUTHORIZATION

Parking regulations enforced by personnel of the Edmonds Police Department are authorized in the RCW, WAC and Title 8.48 of the Edmonds Municipal Code.

815.3 PENALTIES/FINES

The Edmonds City Council sets parking regulation fines, outlined and authorized by the RCW. All Edmonds Police personnel will be provided up to date fine schedules regarding RCW and WAC parking fines.

815.4 POLICY

Animal Control/Ordinance Enforcement Officers will maintain an up to date "Park Cite" database, which is utilized to establish the graduated fine schedule involving a vehicle parked in violation of the city's three hour overtime parking ordinance in areas so designated.

All parking enforcement tickets will be documented using the state approved "Parking Infraction". Enforcement personnel will completely fill out the parking infraction. The violator copy (yellow copy) of NOI will be issued with the appropriate box marked (Placed on Windshield/Vehicle, Served on Violator or Sent to Court for Mailing).

All Parking Infractions will be signed and accounted for using established procedures. Additionally, NOI's are audited by the City and State government to ensure proper use.

815.4.1 PARKING COMMITTEE

Representatives of the Edmonds Police Department, generally an ACO/OEO, will serve on the downtown parking committee. The committee is established to solicit citizen input regarding parking in the downtown Edmonds area. The committee is comprised of representatives if the City Council, local business, Chamber of Commerce and residential homeowners.

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Animal Control Procedures

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control/Ordinance Enforcement Officers (ACO/OEO's) and Edmonds Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

Additional, specific, information can be found can be found in the After Hours Animal Control booklet, provided by the Animal Control/Ordinance Enforcement Unit, provided to each officer.

820.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The ACO/OEO's shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO/OEO's shall be under the operational control of the Field Services Division. The ACO/OEO's assigned working hours will be scheduled by the Field Services Assistant Police Chief.

ACO/OEO's have a special commission and will operate only within the confines of that commission. They may be utilized to assist patrol with public service calls e.g. traffic control or missing persons.

During hours when the ACO/OEO's is on duty, requests for animal control services shall be assigned by the Dispatch Center or the Shift Sergeant.

Requests for assistance by the ACO/OEO's shall be acknowledged and responded to promptly.

820.3 OFFICER RESPONSIBILITY

During hours when the ACO/OEO is off duty, or if the ACO/OEO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO/OEO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO/OEO. The following are examples of when an officer may consider acting before the arrival of the ACO/OEO:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When the animal is gravely injured.

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(f) When no ACO/OEO is on duty or readily available.

820.3.1 ANIMAL CRUELTY COMPLAINTS
Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO/OEO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an ACO/OEO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

820.3.2 STRAY DOGS
Officers shall verify with the reporting party that the animal was found inside the city limits of Edmonds. If not, refer the individual to the appropriate jurisdiction. If the animal has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued as appropriate.

If an animal is taken into custody by an officer during a period of time when no ACO/OEO is on duty the officer should refer to the After-hours booklet provided by the ACO/OEO Unit.

820.3.3 ANIMAL BITE REPORTS
Officers shall obtain as much information as possible for forwarding to the ACO/OEO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO/OEO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Officers shall obtain and forward to the ACO/OEO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers should also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO/OEO may be called to duty to handle. If the ACO/OEO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO/OEO must be approved by a field supervisor or the Shift Sergeant.

820.4 DECEASED ANIMALS
Deceased animals on public property will be removed and properly disposed of by the ACO/OEO. Patrol officer will remove deceased animals when the ACO/OEO is not on duty.

If an officer responds to the report of a deceased animal on public property during a period of time when no ACO/OEO is on duty the officer should refer to the After-hours booklet provided by the ACO/OEO Unit.

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820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine. If an officer responds to the report of an injured animal when no ACO/OEO is on duty they should proceed as described in the After-hours booklet provided by the ACO/OEO.

820.6 CITATIONS

It should be at the discretion of the officer or the Shift Supervisor as to the need for, or advisability of, the issuance of a citation for a violation of any law or ordinance relating to animals.

820.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person’s care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

820.8 ANIMAL CONTROL OFFICER CALL-OUT

ACO/OEO's may be called out when the on-duty supervisor believes a situation is beyond the abilities of a police officer to safely accomplish. Examples are:

(a) Injured wildlife or marine mammals.

(b) The capture of a contained vicious dog.

820.9 FEE COLLECTION

In order to assist the Police Services Assistants during periods where there is no service to the public at the Police Department front desk or during periods of high volumes of work related to animal licensing, the ACO/OEO's are authorized to collect funds in the field and through the mail in the following circumstances:

(a) To collect funds in the field, related to impound release fees or adoption fees during times when the Police Department front desk is not open to the public.

(b) To collect funds related to the pick up and destruction of an animal at any time.

(c) To open mail and receive funds for animal license renewals normally during the months of January through March of each year.

In accordance with established procedures, the ACO/OEO's will complete the necessary receipts and forms and provide the citizen with a copy of the receipt. They will then turn in the receipt,

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necessary forms, and the funds to a Police Services Assistant upon their return to the Police Department.

- If there is no Police Services Assistant on duty, the money and the necessary paperwork will be dropped in the secure drop box just outside the records area.
- All monies and forms left in the lock box will be turned over to a Police Services Assistant for proper processing on the next business day in which a Police Services Assistant is available by the on duty ACO/OEO.

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Dive Team

821.1 PURPOSE AND SCOPE

Edmonds Police SCUBA divers shall provide the City with the capability of an Underwater Search and Recovery/ Rescue Team. The team shall be used to investigate any in water crime or situation where the unique capabilities of this team may be utilized. Some of these situations include but are not limited to; SCUBA fatalities, diving accidents, drownings or evidence recovery.

Team members will be governed by this policy as well as the procedures set forth in the City of Edmonds Dive Team Standard Operating Procedures Manual. This unit operates in conjunction with the Edmonds Police Department Marine Unit and are subject to policy § 823 when operating in that capacity as well as the Edmonds Police Department Marine Unit SOP Manual.

Specifics regarding Dive Team member responsibilities, personnel selection, training and supervision are located in the City of Edmonds Dive Team Standard Operating Procedures Manual.

821.2 POLICY

Incidents requiring a dive team call-out or investigation should be such that the possibility of death or serious injury is likely or that the recovery of evidence would necessitate the use of divers.

If the initial call does not warrant an immediate dive team response, but involves a water-related accident or injury, the dive team leader should be notified. The team leader will determine if an investigation is warranted and will assign a dive team member to conduct the investigation. If the team leader cannot be contacted, then the next senior diver should be called. Examples of incidents that would not warrant an immediate dive team call-out but may require an investigation by a dive team member include:

(a) Incidents where the injured diver has been transported to shore.

(b) The injured diver can easily be recovered by methods other than SCUBA.

(c) Incidents around other water sources such as; pools, streams or ponds.

Authority to request a dive team call-out rests with the police or fire department supervisors. The call-out request shall be processed by SNOCOM per their protocol.

821.2.1 PATROL RESPONSE

When an officer is dispatched to the scene of a water-related incident, they should first determine the seriousness of injuries. When it is determined that a dive team investigation is warranted, the initial officer shall collect as much information as possible while preserving any evidence. Suggested protocol is as follows:

(a) Locate and preserve any related SCUBA equipment. Secure the SCUBA equipment without moving any dials or gauges. Place the SCUBA equipment in one location and maintain chain of custody. Medical personnel may need information from the SCUBA equipment to assist

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in their treatment. Allow them to record depth and dive times from the gauges. Do not permit medical personnel to take the SCUBA equipment with them. If necessary, the dive team investigator can transport the necessary items to the hospital.

(b) Identify any related witnesses and obtain written statements from them as soon as possible. Ask them to record their dive plan, the time they entered the water, the time the incident occurred, and any relevant depths or pressures.

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Marine Unit

823.1 PURPOSE AND SCOPE

The Edmonds Police Marine Unit (EPMU) shall provide the city of Edmonds with the following capabilities; marine enforcement, marine rescue and underwater search and recovery. The EPMU shall be used when enforcement or rescue is required within the City of Edmonds Jurisdiction, or within the waterways of the Puget Sound.

For specifics regarding operations, training and supervision, refer to the Edmonds Police Department Marine Unit SOP Manual.

823.2 POLICY

The Edmonds Police Marine Unit (EPMU), in conjunction with the Edmonds Police Department Dive Team, shall provide the city of Edmonds with the following capabilities; marine enforcement, marine rescue and underwater search and recovery. The EPMU shall be used when enforcement or rescue is required within the City of Edmonds jurisdiction, or within the waterways of the Puget Sound. The police boat was partially funded with federal grant monies and may be available to assist any agency that may request its unique services. The dive team of the EPMU shall be used to investigate any in water crime or situation where the unique capabilities of this team may be required or requested.

The Edmonds Police Department Marine Unit boat is used in conjunction with the Edmonds Police Department Dive Team and the Fire Department. For specifics regarding selection of personnel, training and supervision, consult the Edmonds Police Department Marine Unit SOP Manual.

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Youth Services Unit

825.1 PURPOSE AND SCOPE

The Edmonds Police Department, and the Youth Services Unit, is committed to developing and implementing a broad range of programs, which are directed at the prevention and control of juvenile delinquency and the building of relationships between youth and law enforcement. This may frequently transcend the boundaries of what are considered traditional law enforcement roles. All members of the Police Department have a responsibility toward this end.

825.2 POLICY

Officers are assigned to the School Resource Officer position on a rotational basis and report directly to the Administrative Sergeant, Field Services.

The School Resource Officers are specifically tasked with the responsibility of developing programs through community partnerships to heighten awareness and knowledge about alcohol and drug abuse, criminal behavior, conflict resolution, and violence prevention education.

The School Resource Officers are in a cooperative partnership with local businesses, educators, parents, students, and the community at large to significantly enhance each child's ability to make life-affirming choices, thereby allowing them the opportunity to develop into responsible adults.

825.2.1 FUNCTION

The School Resource Officers are specially trained to work within the school environment. These officers work inside and outside the classroom of Edmonds' elementary, middle and senior high schools. Their focus is on reinforcing positive choices and behaviors and acting as an advocate for the child in need. At the same time, the officers are building positive perceptions about their community police department and the importance of a safe, stable community. The School Resource Officer program provides, at a minimum, the following:

(a) Acting as a resource with respect to delinquency prevention.

(b) Providing guidance on ethical issues in a classroom setting.

(c) Providing individual counseling and/or mentoring to students.

(d) Explaining the law enforcement role in society.

The responsibility for supporting the department's juvenile operations function is shared by all members and divisions of the department.

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Police Explorer Scouts

827.1 PURPOSE AND SCOPE

Law Enforcement Exploring is a career-oriented program that gives young adults the opportunity to explore a career in law enforcement by working with local law enforcement agencies. It is one of the Exploring programs from Learning for Life, a non-Scouting subsidiary of the Boy Scouts of America. The program is generally available to qualified young adults who graduated 8th grade and are ages 14 through 21. This policy will set forth guidelines for the administration of this program within the Edmonds Police Department.

827.2 ORGANIZATION

The explorer post falls under the control of the Chief of Police or designee.

At least one officer from this agency will serve as the post's "advisor". This advisor is responsible for department-level administration of the program, and ensuring that the program meets the department's objectives.

A post committee shall be established, which may include volunteer employee advisors and parents of explorers. The committee shall function as set forth in the Boy Scouts of America by - laws.

827.2.1 SUPERVISION OF EXPLORERS

The post advisor is responsible for the supervision of the explorers. The post advisor is a commissioned officer who volunteers to serve in that capacity. The advisor will adhere to the guidelines of conduct as set forth in the Boy Scouts of America by-laws.

Counseling and discipline are the primary responsibilities of the advisor. Formal disciplinary action may be taken by the advisor or Chief of Police and includes:

(a) Oral and written reprimands

(b) Suspension

(c) Expulsion

The post advisor may attend meetings during on-duty time. When meetings fall during the advisor's off-duty time, the advisor may attend on their own time, unless the Chief or Assistant Police Chief authorizes overtime or compensatory time. The types of events the advisor may attend during on-duty time include:

- Field trips with the explorers.
- Functions at which explorers are working.
- Work being performed by the explorers at the department.

827.2.2 EXPLORER ACTIVITIES

Explorers will be utilized to supplement police personnel in the following activities:

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(a) Providing passive crowd control at parades and fireworks displays, both in our city and surrounding communities.

(b) Providing security at community events.

(c) Providing assistance at other events, upon approval of/or at the request of the advisor, the Chief of Police, or an Assistant Police Chief.

827.2.3 EXPLORER RIDE-ALONG POLICY

(a) Explorers will not be placed in a dangerous situation. If the patrol officer must respond to a dangerous situation, the explorer will be dropped off at the nearest open business so that they can call the station or their parent for a ride.

(b) The Patrol Officer may request assistance from the explorer (if the explorer has had the appropriate training) in some situations, such as traffic control at the scene of a collision. Before the officer requests the explorer's assistance, they should determine (by questioning the explorer) if the explorer has had the appropriate training.

(c) Explorers who are 18 years old and have graduated from high school may ride one shift in a one - week period (Sunday through Saturday).

(d) Explorers still attending high school may ride half a shift per week during the school year.

(e) Explorers who are 18 or over, have graduated from high school, and have completed the basic academy, may ride during the graveyard shift from 2000 to 0100 hours.

*Upon acceptance into the Explorer Post, any Police Explorer Scout under the age of 18 will be required to submit to the Police Explorer Advisor a waiver of liability signed by their parents before participating in any Police Explorer activities or ride-alongs. These waivers will be maintained by the Executive Assistant to the Chief of Police.

827.3 EMPLOYEE CONDUCT WITH EXPLORERS

(a) The employees' role with explorers should be seen as somewhere between a guardian (parent) and educator.

(b) Employees will not date explorers.

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Chapter 9 - Custody

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Temporary Holding Facility and Interview Rooms

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at the Edmonds Police Department Temporary Holding Facility.

In addition to this policy, the Edmonds Police Department shall maintain the Operations and Procedures Manual to guide the operation of the Temporary Holding Facility.

The Department shall maintain the custody of prisoners in accordance with this policy, the Operations and Procedures Manual and in accordance with all applicable law (RCW 70.48.071).

900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies within the Temporary Holding Facility. This person will be designated by the case investigator or the shift supervisor and must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates are in custody, there shall be at least one female employee, if a female employee is on-duty and if practicable, who shall in like manner be immediately available and accessible to such females.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Edmonds Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical. Length of detention shall be no longer than six hours.

900.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility, as appropriate:

(a) Any person who is sick, injured or who has any other medical condition, including pregnant females who may require medical attention, supervision or medication during confinement.

(b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

(c) Any person suffering from a severe mental disorder.

(d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility.

(e) A prisoner who is or may be contemplating suicide.

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(f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of any of the above.

900.1.4 DETAINABLE PRISONERS

Arrestees who fall within the following classifications may be detained in the Edmonds Police Department Temporary Holding Facility with the approval of the Shift Sergeant. This includes prisoners arrested and detained pending:

(a) Posting of bail.

(b) Release on Own Recognizance (O.R.).

(c) Release on citation in accordance with the Cite and Release policy in this manual.

(d) Transportation to the county jail.

(e) Release with no prosecution desired.

(f) In-custody interview or other investigation.

900.1.5 INTOXICATED PERSONS

If a subject begins to exhibit signs of being under the influence of alcohol or drugs or exhibits self-destructive or violent behavior while in the holding facility the officer will:

(a) Call for a back-up officer.

(b) Summon aid and/or medics for an evaluation.

(c) Transport the subject to the local hospital if necessary.

(d) If the subject has become violent and is to be transported an officer will ride with the aid or medic unit.

900.1.6 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

When transporting prisoners of the opposite sex or juvenile prisoners, the officer will advise SNOCOM of their destination and vehicle mileage at the start of the transport. Upon arrival at their destination the officer will advise SNOCOM of their exact location and the ending mileage. The times (starting and ending) will be recorded by SNOCOM on the officers unit history. Officers are encouraged to follow this practice with all prisoners transported if they believe it to be prudent.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.

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(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

(d) An arrestee who the officer has reason to believe is pregnant or recovering postpartum should not be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

(e) Personally conduct a thorough pat-down search of the prisoner prior to placement in the transport vehicle.

900.1.7 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and retained for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists.

900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

(a) Facility Administrator: The Chief of Police shall be the facility administrator officially charged, by law, with the administration of the Temporary Holding Facility.

(b) Temporary Holding Facility Manager: The Assistant Police Chief will have the responsibility for planning, managing, administrative functions, review of the facility systems and the operations of the Temporary Holding Facility.

(c) Maintenance Manager: Any Field Services Sergeant designated by the Assistant Police Chief will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility.

(d) Temporary Holding Facility Supervisor: The employee with 24-hour per day functional responsibility for the Temporary Holding Facility will be the on-duty Shift Supervisor - Any other supervisor may provide assistance as needed.

900.2.1 TRAINING

All Edmonds Police Department personnel that utilize the holding facility will receive training in the operation of the sally port and holding facility, to include fire suppression, interview rooms and booking equipment provided for prisoner processing. The training will be provided in the FTO

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program and at other times, as needed. Training will cover all provisions of this policy and other specific procedural aspects of our particular facility.

900.3 PRISONER SUPERVISION AND CLASSIFICATION

900.3.1 SUPERVISION OF PRISONERS

(a) Adult detainees being held in the holding cells and interview rooms will be checked at a minimum of every thirty minutes to ensure their safety and welfare. In addition the shift supervisor or their designee will check the holding facility every shift for detainees. These checks must be documented.

(b) Juvenile detainees being held must be physically observed at a minimum of every 15 minutes, as dictated by federal law. These checks must be documented.

These checks will be conducted through direct visual observations without the aid of surveillance cameras.

There are two cameras in the booking room. Neither camera is in a position that will invade a detainee's personal privacy. There are cameras in each patrol interview room with the exception of the one in the holding facility. Each cell and interview room contains an intercom, which may be monitored.

The arresting or investigating officer is responsible for the supervision of detainees. When checking on the safety and welfare of detainees of the opposite sex, the officer conducting the check will give verbal notice to the detainee that they will be conducting a visual check prior to doing so.

900.3.2 LOG ENTRIES AND SECURITY CHECKS

(a) All adult bookings should be logged into the Temporary Holding Facility Log and a Record of Arrest/Interview form will be completed. The following entries are to be completed by the booking officer and personnel responsible for maintaining prisoners in the facility:

1. Case number
2. Date/time of booking
3. Charges
4. Arrestee's name
5. Arresting officer's name
6. Date and time of release

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the facility supervisor to ensure that all appropriate entries are made.

(c) The Shift Sergeant should make periodic checks to ensure the log and security checks are made on time.

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(d) The Facility Manager should review all Temporary Holding Facility Logs and shall report to the Facility Administrator as required.

(e) The log shall be kept in the booking area and the Arrest/Interview reports should be maintained in the case report with the Records Unit for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

900.3.3 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION

It is the policy of the Edmonds Police Department Temporary Holding Facility to segregate prisoners in compliance with these guidelines.

(a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state (including developmental disabilities) and sexual orientation and housed in order to provide for the safety of prisoners and staff.

(b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the record of arrest/interview form. This form shall be completed in its entirety, in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior and other criteria to ensure the safety of the prisoner and staff.

(c) All employees with information relevant to a prisoner's risk of suicide shall ensure such information is provided to a supervisor and the prisoner's booking officer. During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The officer shall evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion the prisoner may be suicidal, he/she shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet) that the prisoner may be suicidal.

(d) It is the responsibility of the arresting officer's supervisor to ensure that the record of arrest/interview form has been properly completed. After completing the form the arresting officer's supervisor will be required to authorize, on a case-by-case basis, the placement of each prisoner in the Temporary Holding Facility who is not immediately released or transported to the county jail or other appropriate facility.

1. The prisoner will then be housed or transported.
2. The completed form will be attached to the arrest report, booking forms and fingerprints as applicable.
3. The record of arrest/interview form should be retained in the prisoner's arrest file.

(e) During the booking procedure, the booking officer shall evaluate each incoming prisoner to determine any apparent medical or health issues. The prisoner's responses to such questions and the officer's observations shall be documented in the appropriate form. The

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booking officer shall promptly notify his/her supervisor of any conditions which may warrant immediate medical attention or other appropriate action.

(f) Before placing any prisoner into a temporary holding cell with any other prisoner, members shall consider whether the prisoner may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141).

(g) If a prisoner will be housed in the same cell with any other prisoner, he/she shall be screened to assess his/her risk of being sexually abused by other prisoners or of being sexually abusive toward other prisoners. Members shall ask the prisoner about his/her own perception of vulnerability and shall consider the following criteria to screen prisoners for risk of sexual victimization, including (28 CFR 115.141):

1. Whether the prisoner has a known or apparent mental, physical or developmental disability
2. The age of the prisoner
3. The physical build and appearance of the prisoner
4. Whether the prisoner has previously been incarcerated
5. The nature of the prisoner's alleged offense and criminal history

(h) Any prisoner identified as being at a high risk for sexual victimization shall be provided with heightened protection. This may include continuous, direct sight and sound supervision, single-cell housing or placement in a cell that is actively monitored on video by a staff member who is available to immediately intervene, unless no such option is reasonably feasible (28 CFR 115.113; 28 CFR 115.141).

900.3.4 TEMPORARY DETENTION OF JUVENILES

When a member of this department takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual § 324 is incorporated as a part of this manual and should be consulted regarding the policies and procedures for the temporary custody of juveniles.

Juveniles should only be booked after the requirements of the Federal Juvenile Justice and Delinquency Prevention Act for holding juveniles in secure facility, as indicated in Policy Manual § 324, have been met. If the officer determines that a juvenile is to be booked into the Edmonds Police holding facility or interviewed at the station, the Record of Arrest/Interview booking form will be completed and submitted with the case report.

(a) The original Record of Arrest/Interview booking form will be maintained in the case file. The Detective Sergeant will make a copy of the form and maintain that copy in a separate file in his/her office.

(b) A semi-annual report will be submitted to the Office of Juvenile Justice, as stated in the Federal Juvenile Justice and Delinquency Prevention Act, by the Detective Sergeant.

All juvenile detentions will be logged per the provisions of Policy Manual § 324.

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900.3.5 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner. Male employees are not to search or enter the cell of a female prisoner unless a female employee is present.

In the event there is not a female employee readily available to conduct searches and 30 minute safety inspections, the female prisoner shall be transported to the county jail or released pursuant to another lawful process (e.g., citation, O.R. release).

900.3.6 TEMPORARY DETENTION OF ARRESTEES FROM OUTSIDE AGENCIES

The Edmonds Police Department does not generally house outside agency prisoners. Exceptions may arise for drug or vice task forces, emergency situations at Lynnwood PD jail, Mountlake Terrace PD or other agency. If it becomes necessary to book an outside prisoner, the following should occur:

(a) Verification of the identity and authority of the officer requesting booking.

(b) Completion of record of arrest form, mug shots, and fingerprints.

Juveniles brought to this facility, regardless of the arresting agency, shall be handled in compliance with Policy Manual § 324.

900.4 TEMPORARY HOLDING FACILITY SEARCHES

Immediately upon securing weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search their prisoners. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed or until the transporting officer has been directed by receiving jail personnel to remove the restraint devices.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible, and male employees shall remain outside the closed door, but available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search procedures and policies are found in Policy Manual § 902.

900.5 FIRE SAFETY

The Temporary Holding Facility Maintenance Manager or designee will be responsible for a weekly documented visual inspection of the fire and safety equipment in the holding facility. This inspection will ensure that:

(a) No flammable materials are stored in the detention area.

(b) Fire extinguishers are serviceable.

(c) Cell keys are available in the Shift Sergeant's office and lock box for emergency use.

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(d) First aid kits are readily available and completely stocked.

(e) Smoke detectors are operational.

Fire equipment will be tested annually by the facility maintenance department.

Each on duty supervisor will be responsible for a daily visual inspection of automatic fire detection devices.

900.5.1 FIRE PROCEDURES

(a) In the event of a fire in the detention area the discovering employee should immediately:

1. Notify the Fire Department, Shift Supervisor and on-duty patrol personnel simultaneously through the Dispatch Center.
2. Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
3. Begin fire suppression procedures as applicable.

(b) Responding patrol officers under the direction of the Shift Supervisor should be responsible for:

1. The evacuation of prisoners.
2. Obtaining medical services as needed.
3. Securing prisoners in a temporary holding area.
4. Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary.
5. Initiating an investigation concerning the origin of the fire along with filing necessary reports.

900.6 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

900.6.1 EMERGENCY EVACUATION

Escape route maps will be maintained within the facility at locations that will provide prisoners adequate information to allow for successful egress in the event of a fire or natural disaster. When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation.

(a) The first officer on the scene will be responsible for the safe and immediate removal of any prisoners within the holding facility. The prisoners may be temporarily housed in the exterior sally port area, or placed in a patrol vehicle, until transfer to another facility, if necessary.

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(b) If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

(c) Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.2 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.3 REPORTS
The Shift Supervisor will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

900.7 PRISONER TELEPHONE CALLS

Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility should be entitled to, at minimum, one phone call upon being booked and no later than three hours after arrest. If it is determined that the person is a custodial parent with responsibility for a minor child, the person may be entitled to make additional telephone calls for the purpose of arranging care for the minor child.

There is no obligation for the officer to make a call on a prisoner's behalf - for example in the case of a person that is so intoxicated that he/she cannot make a call. An officer is not required to wake an intoxicated person three hours after booking so that they may complete a call.

There is also no limitation on the amount of time a prisoner's phone call may last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his/her judgment in determining the duration of the calls.

900.7.1 TELEPHONE CALL PROCEDURES
The Department will pay the cost of local calls. Long distance calls must be paid by the prisoners using calling cards or by calling collect.

Calls between the prisoner and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.8 HANDLING OF INMATE'S PROPERTY

Officers shall take care in the handling of inmate's property to avoid discrepancies or losses.

Any personal property belonging to the inmate but retained by the officer for safekeeping shall be kept in a secure location until the inmate is released or transferred. Smaller items such as a driver's license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag. A list of the property, including detailed descriptions of prescription medications,

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shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Inmate property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the inmate, but retained by the officer as evidence, shall be booked according to procedures. The inmate shall be advised that such property will be kept as evidence and where demanded, the officer will issue the inmate a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.8.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should sealed in an envelope or plastic bag. All envelopes/bags should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap or tape. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.8.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. When a prisoner is released from custody, all property not retained as evidence will be returned to him/her and he/she will be required to sign indicating such.

If a prisoner is released to the court or an officer of another agency, all property not retained as evidence will be released to that officer who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the Shift Supervisor who will interview the prisoner claiming the shortage prior to his/her release. The Shift Supervisor shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.9 TEMPORARY HOLDING FACILITY PROCEDURES

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900.9.1 SECURITY

(a) Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies, upon approval of the Facility Administrator, Facility Manager, or Shift Sergeant.

(b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning when no prisoners are present, or in the event of an emergency, such as an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

(d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.

(e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy and only with the approval of the Shift Sergeant.

900.9.2 RECEIPT OF PRISONERS

The arresting and or booking officer should:

(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible.

(b) Inventory and record all property removed from the prisoner's person.

(c) Secure property for safekeeping.

(d) Remove all hazardous items from the prisoner's person.

(e) Remove belts, shoes and jackets.

(f) Complete the following:

1. The following detainees will be fingerprinted and photographed pursuant to RCW 43.43.735:

    (a) All adults arrested for felonies, gross misdemeanors or misdemeanors who are brought to the Edmonds Police Department and either released on signature or transported to another jail facility.

    (b) All juveniles arrested for felonies or gross misdemeanors, regardless of transportation to a juvenile facility. See Edmonds Police Policy Manual §324 for specific procedures for completing this task in a secure facility.

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(c) An officer may use reasonable force as is necessary to compel an unwilling detainee to submit to being photographed or fingerprinted, or to submit to other identification procedures, except interrogation.

(d) Appropriate fingerprint records will be submitted by the designated records supervisor to the WSP identification section pursuant to state law. These records may be electronically transmitted via Live Scan capabilities or physically mailed to WSP via a fingerprint card. Records should not be transmitted to WSP if the subject is booked at the Snohomish County jail for the same charge.

(g) All prisoners arrested, both adult and juveniles, will be photographed. In the event of a malfunction of the booking camera, an officer's digital camera shall be used and two front view photos will be taken. The prisoner will be given a card to hold below the facial/neck area that contains the prisoners name and case number.

(h) Complete the prisoner booking and screening form. The arresting officer will seek approval from his/her supervisor regarding the decision to keep the prisoner or transport.

(i) Complete the Edmonds Police Department booking form and County Superform.

(j) Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only.

900.9.3 PRISONER FOOD SERVICE

Meals will only be authorized under circumstances in which the detainee has been in custody for more than 4 hours and will be transported to Lynnwood or other jail, and it is likely that the last meal of the day at that facility will be missed.

900.9.4 ATTORNEYS AND BAIL BONDSMEN

(a) Attorneys who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.

(b) Both the attorney and prisoner should be searched for weapons prior and after being admitted to the Temporary Holding Facility interview room.

(c) Attorneys must produce a current Washington BAR card as well as other matching appropriate identification.

(d) Interviews between attorneys and their clients shall not be audio monitored or recorded.

900.9.5 RELEASE OF PRISONERS

(a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.

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(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(d) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All proper reports and forms shall be completed prior to release.
2. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
3. The appropriate Temporary Holding Facility Log will be completed showing the date, time, and reason for release, as well as the releasing officer's name.
4. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.6 FACILITY SANITATION AND MAINTENANCE

In addition to providing shelter and warmth, the Temporary Holding Facility provides potable water and a toilet.

The Shift Supervisor should inspect the Temporary Holding Facility at the beginning of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems shall be noted on the maintenance log sheet and the proper personnel notified for correction of the problem.

900.9.7 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of this department the Shift Supervisor shall be notified immediately and he/she will make the appropriate additional notifications as appropriate with any Critical Incident. The responding ACOP will contact the SMART Commander and request an investigation.

900.10 INTERVIEW ROOMS

The Edmonds Police Department has four temporary holding rooms that are used for interviews. Subjects will not be held in these rooms for more than two hours. In order to comply with our obligation of providing detainees with the basic elements of shelter, warmth, potable water and a toilet, detainees should be booked into the holding facility and placed in a cell as a primary detention location. For the purposes of interviewing or collecting a statement detainees shall be

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placed in interview rooms for the amount time necessary to accomplish such a purpose and then promptly returned to the holding cell.

The investigating officer or detective is responsible for the supervision and accountability of subjects held in the interview rooms. This will be done by:

(a) Filling out an Arrest/Interview Form and submitting it with the case report, along with all appropriate Juvenile Justice Data Collection Forms.

(b) Subjects will not be left unattended for more than 30 minutes without being visually checked on and noted on the Arrest/Interview Form.

    1. In the case of juveniles, documented checks must be done at a minimum of every 15 minutes.

All commissioned officers are authorized to use the interview rooms. These rooms may also be used during periods when a group arrest has been made.

There are no approved fixed objects in the holding areas for the purposes of securing detainees.

Males and females should not be left unattended together in the same interview room. Juvenile detainees are never to be left in an interview room with an adult detainee.

- Interviews of juvenile detainees shall be done in accordance with the federal juvenile detention requirements, as outlined in Edmonds Police Policy §324.

900.10.1 PHYSICAL CONDITIONS

The interview rooms will contain table and chairs for use by officers and subjects. The investigating officer will inspect each room prior to and after each use. Appropriate charges will be filed if the subject causes damage to the room. Subjects being held will be allowed access to water, restrooms, and other needs.

900.10.2 SECURITY IN INTERVIEW ROOMS

(a) All subjects will be checked for weapons and contraband prior to being placed in the room. Officers will secure their weapons in a lock box prior to entering room.

(b) Keys for the interview rooms are maintained in the lock box outside of the door leading into the holding facility and detectives' interview rooms. Duress alarm buttons are located on the walls in various locations; in the booking area, the sally port, and the interview room near the station lobby.

(c) Access to the area around the interview rooms and holding facility is restricted to department employees, authorized city employees, other law enforcement personnel, and citizens escorted by department employees.

(d) All doors in the area of the interview rooms should be shut and secure. Doors to the interview rooms should be shut and locked at all times while occupied, unless occupied by a victim or witness, or status offender.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Edmonds Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Edmonds Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Edmonds Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Edmonds Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

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Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

(f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Edmonds Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Sergeant 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):

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

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3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the 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).

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

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902.5.3 RESTRICTIONS
Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

902.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. If authorization from the Shift Sergeant is received electronically, it shall be printed and signed by the Shift Sergeant as soon as possible (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).

(c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (RCW 10.79.080):

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.
5. The time, date, location and description of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

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(g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the department (RCW 10.79.080).

(h) The Shift Sergeant may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

902.7 TRAINING

The Training Corporal shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Edmonds Police Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

The selection process utilized by the Edmonds Police Department for entry level police officers is fully described in the Police Civil Service Commission Rules and Regulations. All elements of the selection process approved by the Civil Service Commission shall be job related. The Human Resources department retains documentation showing that all elements of the selection process measure skills, knowledge, abilities, and traits needed by a law enforcement officer.

1000.2.1 APPLICANT TESTING REQUIREMENTS

A thorough and complete background investigation of each candidate will be conducted prior to appointment to probationary status. Background investigations will be conducted in accordance with department approved Background Investigator Training and shall be under the direct supervision of the Professional Standards Sergeant.

Prior to appointment, all candidates for sworn positions will, at a minimum, be screened through the following methods:

- A background investigation, proof of which will subsequently be submitted to the Washington State Criminal Justice Training Commission.
- Review of any criminal history records.
- A medical examination, including a drug screening, performed by a licensed physician.
- A psychological fitness examination conducted by a licensed psychologist or psychiatrist.
- A polygraph examination administered by an experienced polygraph examiner who meets the standards in WAC 139-07-040.

Additional steps taken on all background investigations include, but are not limited to:

- Verification of credentials/documents and transcripts.
- Personal and employer reference checks.
- Verification of driving records and financial/credit history.

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1000.2.2 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

A background includes, but is not limited to, medical, physical, psychological, polygraph, and interviews. The Executive Assistant will keep the background investigation files in a secure location and medical examinations related to the investigation shall be maintained separately. Background investigations of unsuccessful candidates will be kept by the Executive Assistant for a minimum of 3 years from the date of the employment decision.

1000.2.3 DISQUALIFICATION DURING SELECTION PROCESS

The decision to remove a candidate from the selection process will, in the final analysis, be based on a case by case review. In making that review, the employment standards established in Policy Manual 1000.3 will be utilized.

1000.2.4 BACKGROUND INVESTIGATOR TRAINING

Police personnel used to conduct background investigations will receive training in collecting required information. The training may take place through a certified course of instruction or in-house instruction from the Professional Standards Sergeant, Human Resources Department, or individuals that have received formal background investigator training.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The City of Edmonds Department of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Edmonds or State of Washington hiring standards.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Washington driver's license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit,

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etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under Washington law within three years prior to application.

2. Conviction for two or more misdemeanor offenses under Washington law as an adult.

3. Conviction of any offense classified as a misdemeanor under Washington law while employed as a peace officer (including military police officers).

4. Admission(s) of having committed any act amounting to a felony under Washington law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).

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5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission.
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability or history of undertaking financial obligations over and above the means of the applicant to satisfy, as evidenced by late or non-payment of debt obligations.

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6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned.

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
2. Having been academically dismissed from any CJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another CJTC basic law enforcement academy shall rescind this requirement.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion, not enforcing the law blindly.

(d) Effectiveness in dealing with people without arousing antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following shall be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

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(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.

2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.

2. Any adult use or possession of marijuana within one year prior to application for employment.

3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment.

4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.

5. Any adult manufacture or cultivation of a drug or illegal substance.

6. Failure to divulge to the Department any information about personal illegal use or possession of drugs.

7. Any drug use of the applicant, during the course of the hiring process, where illegal drugs are detected by test or applicant admission.

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile.

2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago).

3. Any illegal or unauthorized use of prescription medications.

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1000.3.9 GENERAL DISQUALIFIER

Any other factor or combination of factors which can be objectively articulated and which bear a rational relationship to the significant or substantial duties and responsibilities normally and customarily assigned to the job classification being recruited for and which limits or prohibits the applicant from functioning successfully as a member of this department, or which would make the applicant a detriment to the department if hired.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Edmonds Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months (six months for non-Civil Service, non-represented) before being eligible for certification as permanent employees. An evaluation is completed every three months for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months beyond graduation from the Basic Law Enforcement Academy before being eligible for certification as permanent employees. Entry level officers having completed the Basic Law Enforcement Academy, prior to employment with the department, will begin their twelve-month probationary period from their date of hire. Lateral officers will begin their 12 month probationary period from their date of hire. Probationary officers are evaluated daily, weekly and monthly during the academy and Field Training Program and every three months during the remainder of the probationary period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

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Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation, also known as a Performance Plan, will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.4.1 RATINGS CRITERIA
The criteria used for performance evaluation shall be specific to the assignment of the employee during the rating period. The rater will utilize an approved Edmonds Police Department employee performance appraisal form. The appraisal form contains measurable definitions and procedures for using the form. The supervisor must be able to document any ratings given to the subordinate officer. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.4.2 REVIEW OF EVALUATION REPORT
The rater's supervisor will review each performance evaluation report and may make written comments prior to the evaluation being given to the employee. After the review has taken place, the rater's supervisor will initial the evaluation report showing that a review has taken place or send the rater and Email indicating such.

1002.5 EVALUATION INTERVIEW
When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

A review of specific goals and objectives for the current rating period should be documented on the evaluation report and goals and objectives for the next rating period should be set forth, as well, in the report.

1002.6 EVALUATION REVIEW
After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Assistant Police Chief). The Assistant Police Chief shall review the evaluation and comments. The Assistant Police Chief shall evaluate the supervisor on the quality of ratings given.

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The Assistant Police Chief will forward the completed evaluation to the Chief of Police for his review.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

1002.8 APPEAL PROCESS

Performance evaluations can be appealed, in writing, to the Chief of Police via the chain of command within ten working days of an employee receiving an evaluation. The Chief of Police will have up to 30 calendar days to schedule an appeal hearing with the employee. The decision of the Chief of Police, after hearing the appeal, is final.

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Promotional and Transfer Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion and transfer to specialty positions within the ranks of the Edmonds Police Department.

1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision making
4. Personal integrity and ethical conduct
5. Leadership
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2 SWORN OFFICER SPECIALTY POSITIONS AND ROTATIONS

The following specialized positions are considered transfers, not promotions, and are available for rotating assignment:

- Detective Sergeant
- Detective Corporal
- Administrative Sergeant/Support Services
- Professional Standards Sergeant
- Special Operations Sergeant
- Street Crimes Sergeant
- Training Corporal
- Detective
- K-9 Handler

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- School Resource Officer
- Traffic Officer/Motorcycle Officer
- Street Crimes Officer

Each specialty position, with the exception of the K-9 Handler, shall be on a five-year (5) rotation, except that the Chief of Police may extend any assignment for up to six (6) months for good cause and based on department need. In the absence of extenuating circumstances, or promotion, officers will be expected to serve a minimum of three-years (3) in the assignment before voluntarily leaving the assignment. K-9 Handlers will serve a minimum three year commitment with a maximum assignment based on the effective working life of the police dog.

At the conclusion of any full rotation cycle, the currently assigned officer may re-apply for the position, with the understanding that they will receive no special preference in the selection process.

- If the currently assigned officer is selected, that officer will have a two-year (2) full rotation cycle, with the exception of K-9 which would have a full rotation.
- All specialty positions shall be at the origination and termination of the Chief of Police for just cause. Termination for just cause may occur at any time during the assignment.

The following collateral assignments do not require rotation and will be posted as necessary:

- Range Master
- Firearms Instructor
- Department Armorer
- Use of Force Instructor
- Field Training Officer
- Crisis Negotiator
- Fingerprint Technician
- Background Investigator
- SWAT Team
- Dive Team
- Marine Unit
- Bicycle Officer
- ALERT Team
- Marijuana Analysis Technician
- Any other position determined by the Chief of Police.

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1004.2.1 DESIRABLE QUALIFICATIONS
The criteria for selection of personnel will be noted on each posting. Required criteria may include that the officer be in "Good Standing", have a specific number of years of service, specific education, special skills, future training or other criteria deemed appropriate for the position. Career development will always be considered as a factor in the selection process.

1004.2.2 GOOD STANDING
An officer in good standing is a fully commissioned police officer in possession of a valid drivers' license, meeting all other minimum qualifications of the position. An officer is considered not to be in good standing if the officer is on a leave of absence, a suspension with or without pay, on administrative leave, has been the subject of disciplinary action resulting in time loss or loss of pay within the preceding 12 months, disability leave, on a performance action plan or any other leave or status which prevents the officer from fulfilling all the duties of their position, provided however, that an officer whose job duties have been approved for accommodation of a disability, pursuant to the Americans With Disabilities Act or the Washington State Law Against Discrimination, shall be considered to be in good standing.

1004.3 SELECTION PROCESS
The selection process of personnel will be noted on each posting. Process may include written application, testing, oral interview, presentations, review of performance evaluations or other processes deemed appropriate for the position.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1004.3.1 RETENTION OF SPECIALTY ASSIGNMENT SELECTION MATERIAL
As soon as practical after completion of any selection process for a special assignment, all position announcements, application materials, scoring instruments and any other related material will be delivered to the Executive Assistant to be filed in a secure location. Disposal of said material shall be in accordance with the Washington State Records Retention schedule and any applicable city policy.

1004.3.2 REQUEST FOR CHANGE OF ASSIGNMENT
All transfers within the department will be made on the basis of department need. Anyone wanting a change of assignment should submit a written request through the chain of command.

(a) Personnel will not request the aid of any person outside the department in securing transfer to another assignment or area.

1004.4 PROMOTIONAL SPECIFICATIONS
Specifications for promotional opportunities are on file with the City of Edmonds Department of Human Resources.

In accordance with the rules of the Edmonds Civil Service Commission, the Commission is responsible for scheduling and administering promotional examinations. The Human Resources

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Department is responsible for assisting the Commission in the promotional process. The department will, when the need arises, provide timely notification to the Commission of the Department's intent to initiate a promotional examination process.

The Department, upon receiving the agreement of the Civil Service Commission to conduct a promotional examination, will work closely with Human Resources to ensure that the promotional process measures the skills, knowledge, and abilities of the employees eligible for promotion. The Department may elect to:

(a) Construct all or part of the examination "in-house".

(b) Request the Human Resources Department to contract all or part of the examination process to outside, public or private organizations.

The Chief of Police, or an Assistant Chief of Police, is responsible for administering the promotional process within the department.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

Grievance - Is any dispute involving the interpretation, application or violation of any of the following documents by the person(s) affected:

- The employee bargaining agreement or Memorandum of Understanding.
- The Edmonds Police Civil Service Rules.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 328; and personnel complaints related to any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual § 1020.

1006.2 PROCEDURE

To ensure proper and necessary rights of employees, this department will adhere to the grievance procedures as outlined in the employees' respective labor agreements and City of Edmonds Civil Service Rules.

When filing a grievance, the employee should provide facts upon which it is based, a written allegation of the specific wrongful act and harm done, and a written statement of the remedy or adjustment sought.

The Chief of Police or designee will coordinate the grievance process to ensure that deadlines for which the Chief is responsible are met, documentation is provided, and reasonable conclusions are reached.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

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1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Executive Assistant for inclusion into a secure file for all written grievances. Documentation of grievances that go beyond the office of the Chief of Police will be forwarded to the appropriate authority.

An analysis and review of any grievances will be completed as needed by the Chief of Police. The causes of grievances will be reviewed with the management team in an effort to correct any grievance causing issues.

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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 taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. Members shall not report for duty with the odor of intoxicants on their breath or under the influence of intoxicants. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

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(6)).

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

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any 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. Members shall not report for duty with the odor of intoxicants on their breath or under the influence of intoxicants.

If the supervisor reasonably believes based on objective facts, a member is impaired by the consumption of alcohol or other drugs, or a member has reported for duty with the odor of intoxicants on their breath, the supervisor shall prevent the member from continuing work.

1012.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test of breath when the supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or has reported for duty, or remains on duty, with the odor of intoxicants on their breath. See 340.3.4(a) Intoxicants.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their part or the part of any other employee.

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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), and under Washington State Law.

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

1014.2.1 NOTIFICATION

Employees are encouraged to notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact a shift supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at regular intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of four consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if four or fewer sick days are taken.

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

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should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

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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.

1016.2 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 Training Corporal, or other individual identified by the Chief of Police, shall be the designated Exposure Control Officer. The Department assigned Exposure Control Officer (ECO) shall be responsible for the following:

(a) The overall management of the Bloodborne Pathogens (BBP) Exposure Control Plan (ECP).

(b) Work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning BBP and other communicable diseases.

(c) Act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date exposure control plan.

(d) Maintain an up-to-date list of police personnel requiring training.

(e) Review and update the Exposure Control Plan as needed.

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

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1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between fluid types, all bodily fluids are to be assumed potentially infectious (WAC 296-823-14060).

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

The PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures (WAC 296-823-15005):

- Not less than two pair of disposable latex gloves (keeping a box in the car is recommended)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site (keeping several alcohol hand wipes in the car is recommended)

The PPE is to be kept in each police vehicle. It should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

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 barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated (WAC 296-823-15005).

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste (WAC 296-823-15010). Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials (WAC 296-823-14020).

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

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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 biohazards with the on-scene fire response vehicle, or at the attending clinic/hospital with its approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red or appropriately labeled with a biohazard warning, and routinely emptied (WAC 296-823-14060).

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible) or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained (WAC 296-823-14030).

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as the cleaning or decontamination area (WAC 296-823-14030).

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 reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided.

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Rather, use a device such as tongs or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn (WAC 296-823-14015).

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through (WAC 296-823-15030).

1016.3.5 DECONTAMINATION OF PPE

After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If it is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any PPE that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the PPE if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the measures above shall be implemented.

Contaminated reusable PPE that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste (WAC 296-823-15030).

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 reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

Pay close attention to handles, controls, portable radios and corners (tight spots) when cleaning equipment. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water), while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces or blood clots should

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first be removed using a disposable towel or other means to prevent direct contact, and properly disposed (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 biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense (WAC 296-823-15030).

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

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
In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information (WAC 296-823-16005):

(a) Name(s) of the employee(s) exposed

(b) Date and time of incident

(c) Location of incident

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(d) The potentially infectious materials involved

(e) Source of material or person

(f) Current location of material or person

(g) Work being done during exposure

(h) How the incident occurred or was caused

(i) PPE in use at the time of incident

(j) Actions taken post-event (clean-up, notifications, etc.)

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report will be provided to the ECO, the consulting physician and to the City's Risk Manager.

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to any bodily fluids should be seen by a physician (or qualified health care provider) immediately following the exposure or as soon as practicable thereafter. The doctor (or qualified health care provider) should review the supervisor's report, the employee's medical records relevant to the visit and examination and the Communicable Disease Notification Report. The medical consultation, evaluation and treatment shall be provided at no cost to the affected employee.

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report (WAC 296-823-16005).

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation (WAC 296-823-16005).

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential.

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The Executive Assistant shall be responsible for maintaining records containing the employee's HBV status and the results of examinations, medical testing, and follow-up procedures that took place as a result of an exposure in the employee's medical file.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure shall be sought whenever the source is a known individual.

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the exposure report.

(c) The results of the tests should be made available to the source and the exposed employee.

It is the responsibility of the ECO to ensure the proper testing and reporting occur (WAC 296-823-16010). If consent is not obtained, the ECO should document that fact and promptly consult with the Prosecutor to consider requesting that a court order be sought for appropriate testing.

When an employee is exposed to the bodily fluids of an arrestee, the ECO shall file a report with the county health officer. The county health officer may pursue testing for HIV or hepatitis B or C (RCW 70.24.360 and WAC 246-100-206).

Since there is potential for overlap between attempts to obtain consent and the duties of the county health officer, the ECO is responsible for coordinating the testing with the county health officer to prevent unnecessary or duplicate testing.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Edmonds Police Department facilities or vehicles.

1018.2 POLICY

Smoking and other use of tobacco products is not permitted by on-duty, uniformed, personnel while within public view. It shall also be the responsibility of all employees to ensure that no person smokes inside department facilities and vehicles.

No person shall smoke tobacco products within 25 feet of a main entrance, exit, or operable window of any building (RCW 70.160.175).

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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.

Inquiries 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.

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such matters may be investigated as a formal Complaint or as an Internal Affairs Investigation by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Sergeant depending on the seriousness and complexity of the investigation.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby and posted on the department website.

1020.2.2 SOURCE OF COMPLAINTS

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

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1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Shift Supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints in a file that may be maintained for preparing employee performance evaluations.

When a Personnel Complaint form is completed in person, the complainant should legibly write 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 that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The lack of a signature shall not, in and of itself, preclude the Department accepting or investigating a complaint.

1020.2.5 COMPLAINT/INTERNAL AFFAIRS LOG

The Executive Assistant-Confidential shall maintain a log of all formal personnel complaints received by the Department. This log should contain the date the complaint was received and the number assigned, the name of the complainant, the name of the accused employee, the name of the assigned investigator, the allegation and the complaint disposition.

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Complaint investigations are assigned identifiers beginning with the letter C, followed by two digits representing the year, a dash and then a number sequence in the order the complaint was received (e.g., C09-001).

Internal Affairs investigations are assigned identifiers beginning with the letters IA, followed by two digits representing the year, a dash and then a number sequence in the order the Investigation was received (e.g., IA09-001).

This log is maintained in accordance with the provisions set forth in Policy Manual § 1026.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate the complaint. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Supervisor, Commanding Officer and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Assistant Chief of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Chief for further action.

    1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

    2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.

    3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Assistant Police Chief or the Chief of Police who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to law and the Bill of Rights Agreement contained in the Collective Bargaining Agreement.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor or Commanding Officer receiving the complaint shall immediately contact Human Resources and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

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1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Chief of Police or Assistant Chief of Police may assign the accused employee to inactive duty pending completion of any investigation and/or disciplinary finding.

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 by a supervisor 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.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall have returned to them all badges, identification cards and other equipment previously relinquished.

1020.4.2 ALLEGATIONS OF CRIMINAL CONDUCT

Complaints or on view observations against employees which allege criminal violations may be grounds for bringing criminal charges. Any separate administrative investigation may parallel a criminal investigation but will normally commence at the conclusion of a criminal investigation after a charging determination has been made.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police will normally request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

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Investigations involving allegations of criminal conduct will be governed by the applicable statute of limitations in regards to timelines for investigation.

In those cases where the outcome could impact the employee's ability to hold a commission or seriously affect the reputation of the police department, the employee will normally be placed on paid administrative leave pending the outcome of the investigation.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

All investigations alleging criminal conduct will be reviewed by the Prosecuting Attorney for a determination regarding the filing of criminal charges.

1020.4.3 EMPLOYEE PRIVACY EXPECTATIONS

The department reserves the right to enter into all work areas of the city in order to retrieve files and documents or public property or for other similar business purposes. Employees should have no expectation of privacy with regard to public property and should be aware that offices, desks, lockers and other publicly owned property provided to the employee, including computers and email accounts, may be the subject of review by the department for business purposes or in order to comply with a public records request. Personal motor vehicles, purses and brief cases which are on public property may be the subject of an administrative search only with the consent of the employee, a valid search warrant or when the department has a reasonable suspicion that official misconduct has occurred. The department also reserves the right to enter such areas or belongings in an emergency, such as a health emergency requiring the location of a prescription medication.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications devices provided by the Department.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

All investigations are conducted in accordance with these policies and the provisions set forth in the Bill of Rights Agreements in the respective Collective Bargaining Agreements.

1020.5.1 COMPLAINT INVESTIGATIONS

A complaint investigation is normally initiated in response to allegations or on-view observations involving minor policy violations such as rudeness, tardiness, minor procedural, rule or regulatory violations or similar incidents and which, if sustained, would not normally result in more than a written reprimand. Prior to commencement of a complaint investigation, the involved Assistant Chief of Police will review the employee's personnel file and the complaint files to determine whether or not there are prior related disciplinary actions which could affect the level of discipline.

(a) A complaint investigation will normally be completed by the employee's immediate supervisor but this does not preclude the assigning of another supervisor at the discretion

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of the Chief of Police or designee. The complaint investigation will be conducted by an employee of a higher rank than the accused. Immediate supervisors have the authority to administer counseling or verbal reprimands at the conclusion of the investigative process after review by the Command Staff. Assistant Chiefs have the authority to administer written reprimands at the conclusion of the investigative process after review by the Chief of Police. Complainants will not be notified of the outcome of complaint investigations until they have been reviewed by the Command Staff.

(b) If, during the course of a complaint investigation, it becomes apparent that the conduct is more serious than originally thought or new facts come to light which increase the severity of the allegations, the complaint investigation process will be suspended and an internal affairs investigation initiated. In the event an internal affairs investigation is initiated, the IA timeline will commence at that point and appropriate written notification will be made to the employee.

(c) Upon initiation of a complaint investigation, the officer will be verbally or electronically notified in a timely manner by the investigating supervisor and allowed to review the complaint form prior to questioning. The 48 hour pre-interview notification referred to in the labor agreement does not apply to complaint investigations or routine supervisor/subordinate interactions related to work performance.

(d) Complaint investigations will normally be completed within 45 calendar days, at which time they will be forwarded to the Chief of Police via the chain of command for review of disposition. In the event circumstances reasonably require additional time to complete the investigation, a written request specifying the amount of additional time needed and the reason therefore will be forwarded to the Chief of Police for written approval. In cases where the employee is not available, an extension will be routinely granted until such time as they are available. Involved employees and the recognized bargaining unit will receive a copy of the request and be notified in writing of any extensions granted by the Chief of Police. The granting of an extension adds the approved number of days to the 45 day timeline.

(e) All complaint investigations forwarded to the Chief of Police will be completely processed within 15 days unless an extension is mutually agreed to in writing between the EPOA and the Chief of Police, or the employee is unavailable for continuation of the process.

(f) Complaint investigations shall be commenced promptly upon the department learning of facts which give cause to an investigation. These facts must include the identity of the involved employee(s). This requirement, however, does not permit an employee to assert these timelines as a bar to discipline if the employee hinders or conspires to hinder the initiation of the investigation. The timelines set forth above shall commence upon receipt by the department, in any form, the above noted information, or in those cases where no employee is identified, upon determination of the identity of the employee.

(g) The supervisor conducting the complaint investigation will keep the complainant (if any) informed concerning the status of the investigation periodically, as agreed between the

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investigator and the complainant and in writing upon disposition. Employees will be advised of the status of the investigation upon request at approximately 15 day intervals.

1020.5.2 INTERNAL AFFAIRS INVESTIGATIONS

An internal affairs investigation will normally be initiated when allegations or on-view observations involve corruption, brutality, misuse of force, breach of civil rights, sexual harassment, criminal acts or other serious conduct which could reasonably result in discipline higher than a written reprimand. An internal affairs investigation will also be initiated in instances of less serious conduct where previous disciplinary actions for similar behavior would indicate that a finding of sustained could result in discipline higher than a written reprimand.

(a) Internal Affairs investigations will normally be conducted by the Professional Standards Sergeant or other non-involved supervisor. The Internal Affairs Investigation will be completed by an employee of a higher rank than the accused. The Chief of Police at his/her sole discretion may ask an outside agency to conduct the investigation when such action seems prudent. In such an event, the outside investigator(s) will be requested to conform the investigation to the provisions of this policy. Minor variations in the investigative format that do not impair the rights of the officer under investigation as guaranteed by the law or the collective bargaining agreement shall not be deemed to be a violation of the provisions of this policy.

(b) Internal affairs investigations, other than those of a criminal nature, will normally be forwarded to the Chief of Police for disposition within 90 calendar days. In the event circumstances reasonably require additional time, a written request specifying the amount of additional time needed and the reasons therefore will be forwarded to the Chief of Police for written approval. In cases where the employee is not available an extension will routinely be granted until such time as they are available. Involved employees and the recognized bargaining unit will receive a copy of the request and be notified in writing of any extensions granted by the Chief of Police. The granting of an extension adds the approved number of days to the 90 day investigative time-line. In those cases where a criminal investigation is being conducted, the 90 day time-line for a concurrent internal affairs investigation does not normally commence until the criminal investigation has been completed and reviewed by the Prosecuting Attorney.

(c) All internal affairs investigations forwarded to the Chief of Police will be processed , up to and including any Loudermill hearing, within 30 calendar days unless an extension is mutually agreed to in writing between the EPOA and the Chief of Police or the employee is unavailable for continuation of the process.

(d) Internal affairs investigations shall be commenced promptly upon the department learning of facts which give cause to an investigation. These facts must include the identity of the employee(s) involved. This requirement, however, does not permit an employee to assert these time limits as a bar to discipline if the employee hinders or conspires to hinder the initiation of the investigation. The timeliness set forth in the above section shall commence

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upon receipt by the department, in any form, the above noted information, or in those cases where no employee is identified, upon determination of the identity of the employee.

(e) Any member of the department, or other assigned investigator, conducting an internal affairs investigation will keep the complainant, if any, informed concerning the status of the investigation, periodically, as agreed between the investigator and the complainant and in writing upon disposition. Employees will be advised of the status of the investigation upon request at approximately 15 day intervals.

(f) When an employee is notified that they are the subject of an internal affairs investigation, the person conducting the investigation will provide the employee written notice of the allegations and the employee's rights and responsibilities under the applicable Bill of Rights Agreement. In addition, pursuant to the labor agreement a minimum of 48 hours written notice will be provided prior to any interview with the employee.

(g) An employee who is the subject of an internal affairs investigation may, upon approval of the Chief of Police, be required to submit to various investigative techniques, which may include but are not limited to, the following:

1. Medical or laboratory examinations in conformity with applicable legal requirements.
2. Photographs taken of employees.
3. Participation in a line-up.
4. Financial disclosure statements in conformity with applicable legal requirements.
5. Other investigative techniques not prohibited by law or contract and specifically directed and narrowly related to a particular internal affairs investigation.

(h) Circumstances which may warrant such investigative techniques include, but are not limited to:

1. When the employee, whether on or off-duty, is involved in a shooting or law enforcement related death.
2. When the employee is involved in an injury or fatal accident while on duty.
3. When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off-duty.
4. When the Department has a reasonable, articulable suspicion that an employee is using or is in possession of an illegal drug, whether on or off duty.
5. When the Department has a reasonable, articulable suspicion that an employee may be under the influence of alcohol while on duty.

(i) At the sole discretion of the Chief of Police employees may be placed on paid administrative leave pending the outcome of the investigation.

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(j) Any supervisor or other person conducting an internal affairs investigation may report directly to the Chief of Police who will keep the Command Staff advised.

1020.5.3 ADMINISTRATIVE REVIEW

An administrative review is an informal process utilized by Command Staff in determining whether or not an incident warrants a formal investigation. An Administrative Review of an incident is not an investigation and not subject to the provisions of the Employee Bill of Rights Agreement.

Administrative Reviews are conducted on occasion when incidents or employee actions appear to involve the potential of employee misconduct but specific allegations of misconduct are not readily apparent. The review enables the administration to determine if a formal investigation is warranted by a review of available documents and, if applicable, conversations with involved parties. In order to avoid conflict with the Officers Bill of Rights Agreement the involved officers will not normally be interviewed or contacted for the purpose of an Administrative Review. If an initial review of the incident and available documentation indicates the likelihood of a violation of department policy, the matter under review will be classified as a Complaint Investigation or an Internal Affairs Investigation. The time taken to make this determination does not affect the normal timelines associated with a Complaint Investigation or Internal Affairs Investigation.

Any documentation relating to an Administrative Review that does not result in a Complaint or an Internal Affairs Investigation will be maintained by the Executive Assistant.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Investigations will be conducted in compliance with this policy and the Employee's Bill of Rights in the respective Collective Bargaining Agreement.

Whether conducted by a supervisor or the Professional Standards Sergeant or an outside agency investigator, 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, unless exigency of the interview dictates otherwise. Whenever practical, interviews shall be scheduled during the normal workday of the City.

(b) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.

(c) 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 directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(d) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview.

(e) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights.

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(f) All employees subjected to interviews that could result in punitive action shall have the right to have a Guild representative present during the interview. However, employees are admonished that the facts/circumstances of the matter(s) under investigation shall not be discussed except with authorized personnel or representatives.

(g) All employees shall provide complete and truthful responses to questions posed during interviews.

(h) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.1 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and thorough. Recognizing that each investigation is different and varying reporting formats may be appropriate, most reports will contain the following sections:

Background - Investigator explains why he/she is conducting the investigation. Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Complaint/Misconduct Allegations - Investigator provides a brief description of the complaint allegations or the allegations of misconduct, including a description of how the allegations came to the attention of the employer.

Investigative Steps/Narrative - Investigator's narrative of investigative steps taken, evidence collected, interviews conducted, documents obtained/reviewed and other relevant information discovered.

Findings - Investigator makes a finding regarding the allegations. The findings should be supported by specific information regarding the facts and evidence upon which the findings are based. If sufficient evidence to make a definitive finding does not exist there should be an explanation to that effect.

Conclusion - Brief synopsis of the essential aspects of the report and a recommended disposition on the allegations (see Policy Manual § 1020.7).

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

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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.

Closed/Incomplete - When the investigation could not be completed due to lack of cooperation from the complainant.

The standard of proof in a personnel complaint investigation is a preponderance of evidence.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall document it and 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 within a reasonable period following receipt in accordance with established timelines for the specific type of investigation. 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, in accordance with the interview notification requirements in the Employee Bill of Rights contained in the collective bargaining agreement.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded to the Assistant Chief of the involved employee(s).

Once received, the Chief of Police may accept or modify the recommended disposition in the report as well as identify additional policy considerations.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings and whether or not disciplinary action has been imposed.

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

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).

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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.

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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 shall wear available safety restraints unless physical conditions would prevent such from being applied.

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 in a seating position for which safety belts are provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which any safety belt in the driver's seating position is inoperable. No person shall be transported in a seating position in which the safety restraint 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 Edmonds 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 employee responsible for issuing equipment shall ensure that body armor is issued to all officers when the officer begins service at the Edmonds Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The department shall establish a body armor replacement schedule 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-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.

1024.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

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Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

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Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of this Department to maintain the confidentiality of peace officer personnel records pursuant to the exemptions listed in subsections of RCW 42.56.

1026.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Employee training record

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Employee commendations and recognition.

(f) Employee property loss/damage reports and all related documentation.

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 or his/her designee or by the Department of Human Resources as a permanent record of a sworn officer's employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division 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 and/or complaint 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.

Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained in the office of the Chief of Police or his/her designee or by the Department of Human Resources. Such files shall be kept separately from other personnel files.

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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.

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 records:

1. Employee advancement or discipline reports.
2. Personnel, internal affairs and complaint investigations after such investigations have been completed or are no longer under review or deliberation, to the extent allowed by law.
3. Department reports to CJTC regarding the separation from employment of an officer.

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.

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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 peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor.

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

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 or Complaint investigations.

(c) Psychological evaluations or polygraph results.

(d) Supervisor log entries (supervisor notes) made by a supervisor for use preparing performance evaluations or other documentation relating to employee conduct.

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested

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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

Peace officer 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. Copies of final disciplinary letters or memos pertaining to sustained complaints or internal affairs investigations resulting in discipline consisting of a written reprimand or greater shall be maintained in the employees personnel file for no longer than three years (disciplinary letters pertaining to a 10 or more day suspension, demotion or termination will not be purged).

(c) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).

(d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(e) A photograph of the employee.

1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.

1. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

2. 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.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE

The internal affairs files shall be maintained under the exclusive control of the Professional Standards Sergeant while investigations are in progress. Upon completion the files will be

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maintained by the Executive Assistant with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or an Assistant Chief of Police.

All complaints and internal affairs investigations resulting in disciplinary action are maintained as follows:

(a) All incidents resulting in a finding of sustained and not resulting in discipline greater than a verbal reprimand shall result in the entire package being placed in the complaint, or internal affairs packet by year. No documents from those packets will be placed in the individual employee's personnel file.

(b) All incidents resulting in discipline consisting of a written reprimand or greater shall result in the entire package being placed in the complaint, or internal affairs packet by year. A copy of the final disciplinary letter or memo will be placed in the individual employee's personnel file.

For purging schedules refer to Policy Manual § 1026.8.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Corporal or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Corporal or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.5 MEDICAL FILE

The Medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow- up 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.

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1026.8 PURGING OF FILES

Personnel records shall be maintained and destroyed as specified in the current Records Management Guidelines and General Records Retention Schedules . The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management (RCW Chapter 40.14). Pursuant to the Washington State Local Government Common Records Retention Schedule (CORE), investigative files shall be maintained as follows.

(a) All complaints and internal affairs investigations, which result in findings of not sustained or closed/incomplete will be retained as required by the Record Retention Schedule set by the State Archivist or until the applicable Statute of Limitations has run and will then be destroyed. No documents from this classification will be placed in any individual officer's personnel file and all reference to the officer's and complainant's names will be redacted from the complaint or internal affairs investigation logs.

(b) All complaint and internal affairs investigations, which result in findings of unfounded or exonerated will be retained for 6 months and then destroyed as required by law unless the employee requests that it be retained, it is related to a pending legal action or, in the judgment of the Chief of Police, a legal action may be reasonably expected to result. No record of such files will be placed in any employees personnel file.

1. Any file retained for legal purposes, as noted in the preceding paragraph, will be maintained in a separate litigation file.

(c) All sustained complaints and internal affairs investigations resulting in disciplinary action, consisting of suspensions of less than 10 days or any lesser form of discipline, will be purged from individual personnel files after 3 years, and from all other files after 7 years, or as required by the State Archivist, whichever is longer, with the following exceptions:

1. Any records involved in any stage of litigation or other judicial process will be purged from the individual employee's personnel file according to the schedule above but may be retained by the Police Department in a separate litigation/discovery file.

2. Any instances where a disciplinary action was relied upon in a subsequent disciplinary action(s) during a process of progressive discipline.

3. When required by law to be retained, such as instances covered by the Federal Rehabilitation Act or the Americans with Disabilities Act. All such files will be retained in a separate confidential medical file only.

4. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to lawful records retention schedules.

(d) All internal affairs investigations resulting in disciplinary action of a 10 or more day suspension, demotion or termination will not be purged.

(e) All criminal investigation files involving employees will be retained in the same manner as any other criminal investigation file.

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Employee Commendations

1030.1 PURPOSE AND SCOPE

The department believes that its employees will grow professionally using recognition as a means of rewarding employees whose efforts warrant it. Affirmation and recognition are a positive means to keep employees productive and are valuable for their well being and the well being of the organization.

It shall be the policy of this department to accept recommendations for recognition for significant acts by its members and private citizens.

1030.2 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

1030.2.1 COMMENDATION FORMAT/PROCESS

Verbal compliments or commendations received from citizens shall be documented on the Edmonds Police Department Complaint/Compliment Form. This form shall be sent to the Chief of Police, via the chain of command, for inclusion in the employee's personnel file. One copy of the form will be posted for all employees to read and a second copy will be given to the employee's supervisor.

All written compliments or commendations will be sent to the Chief of Police for inclusion in the employee's personnel file. One copy of the form will be posted for all employees to read and a second copy will be given to the employee's supervisor.

1030.3 DEPARTMENT AWARDS PROGRAM

In conjunction with National Police Week the Department shall hold an annual awards ceremony at which time the accomplishments of Department employees and the efforts of individual citizens shall be recognized.

Procedure for Recommendation:

(a) Any police employee initiates recommendations or nominations for one of the five awards.

(b) The recommendation shall be in memorandum form, summarizing the incident for which the employee is being recommended for recognition, as well as any police reports or other pertinent information.

(c) It shall be the responsibility of the employee's supervisor to verify the information associated with the recommendation.

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(d) A committee comprised of the ACOP in charge of Field Services, Administrative Sergeant/ Support Services, executive board member of the EPOA and two officers voted on by commissioned personnel and one support staff member will be responsible for screening each nomination for appropriateness. This committee will then forward to the Chief of Police their recommendations for each nomination. All members of this committee may serve three years. This committee will meet at least once every six months to review nominations. Presentations for awards should be made during Law Enforcement appreciation week in May.

1030.3.1 AWARDS

(a) **Police Officer and Support Services Employee of the Year**

1. The employees selected shall receive a certificate, a plaque, and an employee of the year badge. The badge shall be worn throughout the following year and then shall be placed on a plaque for the employee.
2. The names of the employees selected will be furnished to the city for recognition by all city departments.
3. All employees nominated for these awards shall be recognized for their significant achievement and dedication to their positions.

(b) **Medal of Honor** - The Medal of Honor may be awarded by the Chief of Police to a department employee for gallantry, bravery beyond the call of duty, for on duty police action. The Medal of Honor may also be awarded posthumously to those who make the supreme sacrifice in the line of duty. The Medal of Honor is the highest police department decoration, and is awarded in the name of the City of Edmonds Police Department for acts in an attempt toward community betterment and the furtherance of law enforcement. This award shall be evidenced by:

1. Gold Medal
2. Metal ribbon which is Blue, White, & Red, 1/4" x 1" on which is the word "HONOR"
3. Certificate

(c) **Distinguished Service Citation for Valor** - The Chief of Police may award the Distinguished Service Citation for Valor to a department employee who performs an act of heroism in the face of personal injury or risk of life. This award shall be evidenced by:

1. Gold Medal
2. Metal ribbon which is Blue, White, & Red, 1/4" x 1" on which is the word "VALOR"
3. Certificate

(d) **Meritorious Service Citation** - The Meritorious Service Citation may be awarded by the Chief of Police or Mayor to a department employee who performs an extremely laudable or extraordinary act, or outstanding community service and shall be evidenced by:

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1. Silver Medal
2. Metal ribbon which is Blue, White, & Red, 1/4" x 1" on which is the word "MERIT"
3. Certificate

(e) **Letter of Commendation** - The Chief of Police may award the Letter of Commendation to a department employee or work element that performs a particularly noteworthy act or service based on determined and intelligent performance. A Letter of Commendation will also be issued each year to the Officer of the year, Support Services employee of the year and the officer that has the highest number of Driving Under the Influence arrests for that year. This award will be evidenced by:

1. Metal ribbon which is Blue, White, & Red, 1/4" x 1"
2. Certificate
3. Additional awards will be recognized by a bronze star on the medal ribbon.

(f) **Award of Excellence** - A police supervisor may issue an Award of Excellence in the form of a letter, to a department employee whose actions deserve recognition, but may not warrant one of the above awards.

(g) **Citizen Service Citation** - The Citizen Service Citation may be awarded to a citizen whose assistance to the police department was given without regard to personal welfare, or had a positive bearing on the outcome of an incident and contributed to the furtherance of law enforcement in the community.

1. An employee of the department may recommend the Citizen Service Citation for presentation to a citizen. The procedures for recommendation for this award shall conform to those stated in Procedure for Recommendation section.
2. The citizen shall receive a certificate recognizing their action and a Gold Edmonds Police Department lapel pin badge.

1030.3.2 PRESENTATION OF AWARDS

The Chief of Police shall make presentations of the Officer and Support Services Employees of the Year, Medal of Honor, the Distinguished Service Citation for Valor, the Meritorious Service Citation, the Citizen Service Citation, and the Letter of Commendation.

The employee's supervisor shall make presentation of the Award of Excellence.

A copy of the appropriate certificate, commendation, or Award of Excellence shall be placed in the employee's personnel file.

1030.3.3 WEARING OF AWARDS

The metal ribbon shall be worn by uniform personnel 1/4 inch above the nameplate over the right breast pocket and centered on the outer-most garment of the field uniform. The red portion of the metal should be closest to the heart.

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The service medal shall be worn by uniform personnel 1/4 inch above the nameplate over the right breast pocket of the standard issue uniform shirt and centered. The medal shall be worn only on the Class A uniform.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

(b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.

(d) In conjunction with the Shift Supervisor or employee's available Assistant Police Chief, 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. He/she may be required to use sick leave or other paid time off (PTO) 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 the 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) The Human Resources Department will facilitate the examination and will be responsible for receiving and maintaining documents received by the examining physician or therapist. The Department shall be provided with a statement or document indicating whether or not the employee is fit for full duty and what, if any, job modifications may be necessary.

(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 the disciplinary process.

(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

Absent emergency operations the following limitations on hours worked apply:

- During a two-day break, no employee will work more than 8 additional hours, either overtime or off duty, or any combination thereof, without written authorization from a member of the departments Command Staff.
- During a three-day break, no employee working a four on three off schedule will work more than 20 additional hours, either overtime or off duty or any combination thereof, without written authorization from a member of the Command Staff.
- During a four day break, no employee working a four on four off schedule will work more than 24 additional hours, either overtime or off duty, or any combination thereof, without written authorization from a member of the Command Staff.
- Between shifts, or on the first day of return to work, no employee will be allowed to work more than sixteen total hours in any twenty-four hour period, to include regular duty hours, overtime and/or off duty employment, without written authorization from a member of the Command Staff.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the Mayor. The respective Collective Bargaining Agreement should be consulted for specifics on this topic with regard to the various schedules worked by employees of this department.

1034.1.1 MEAL PERIODS AND BREAKS

While on duty, employees are permitted to suspend assigned activity during break periods as defined by State and Federal labor laws. Employees are required to be on call at any time during their tour of duty, including meal periods and breaks.

Uniformed patrol and traffic officers shall advise the Dispatch Center prior to taking a break or meal period. Uniformed officers should take their breaks or meal periods within the City limits unless on assignment outside of the City.

The time spent for breaks and a meal period shall not exceed the authorized time allowed by the Collective Bargaining Agreement.

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Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Employee time sheets are submitted and processed via the Executive Assistant to the Chief of Police on a semi-monthly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME SHEETS

Employees and supervisors are responsible for the accurate and timely submission of time sheets for the payment of wages. Completed time sheets shall be submitted to a supervisor for approval prior to submission to the Executive Assistant. Supervisors are responsible for notifying the Executive Assistant in writing of any changes or corrections that need to be made to payroll after the submission date.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a semi-monthly basis usually on the 5th and 20th of the month with certain exceptions such as holidays. Time sheets shall be completed and submitted to the Executive Assistant no later than 8:00 a.m. on the designated morning before the end of the pay period, unless specified otherwise.

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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 either by payment of wages or by the allowance of accrual of compensatory time off, as agreed and in effect through the Collective Bargaining Agreement. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the amount of compensatory time authorized by the current labor agreement. Compensatory time for exempt employees is covered by the city personnel policies.

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor who will then forward them to the respective Assistant Chief as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Supervisor. Employees submitting overtime requests for court or training when off duty should submit requests to the Shift Supervisor the first day after returning for work.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

The overtime payment request form is forwarded to the employee's Assistant Police Chief for final approval.

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1038.2.3 ASSISTANT POLICE CHIEFS RESPONSIBILITY
Assistant Police Chiefs, after approving payment, will then forward the form to the assigned employee responsible for payroll.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases the Collective Bargaining Agreement (CBA) provides that a minimum number of hours will be paid, (e.g., call-out, court, etc.). The supervisor will enter the actual time worked and also indicate the authorized time to be paid by referring to the CBA (e.g., three hour minimum on call-outs).

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
All approved overtime shall be compensated in increments of 15 minutes with the major portion of 15 minutes being paid as 15 minutes.

1038.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation on the overtime payment request.

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Off-Duty Employment

1040.1 PURPOSE AND SCOPE

The primary purpose for regulating off-duty employment is twofold. The first is to assure that such employment does not constitute a conflict of interest or negatively impact the department's image or efficiency. The second is to assure that it does not adversely affect an officer's work performance due to fatigue.

For the purposes of this policy off-duty employment refers to off-duty employment that is non law enforcement related and off-duty employment that is law enforcement related.

All Departmental policies and procedures will bind officers working off-duty employment.

1040.2 OBTAINING APPROVAL

To be eligible for off-duty employment, full-time officers must have successfully completed the state training academy and their FTO program. Lateral transfer officers must have successfully completed their FTO program and must have been employed by the Edmonds Police Department for at least four months.

Any employee who wishes to take additional employment for a non law enforcement related position will inform the Chief of Police in writing before accepting the employment. Examples would include teaching, retail sales, construction trades, automotive repair, etc. If it is judged that the additional employment involves misuse of the commission, could adversely affect the employee's on-duty work performance or otherwise negatively impact the department's image or efficiency, the request may be denied.

Off-duty law enforcement employment occurs when an officer is working either in uniform or civilian attire, and is employed in such jobs which involve police or security activity. All such employment requires the prior written approval of the Chief of Police. Although the employee is hired by someone other than the City of Edmonds, the Chief of Police delegates their authority and police power.

1040.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

If an off-duty employment situation held by an employee is found to interfere with the department's image or efficiency, or impairs the officer's on-duty work performance, or involves or gives the appearance of a misuse of commission, the officer will be required to terminate such employment.

All determinations under this policy are at the sole discretion of the Chief of Police and shall not be subject to the Collective Bargaining grievance process.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Edmonds Police Department employees are prohibited from working in any of the following situations:

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(a) Any occupation of a menial nature, when in uniform or otherwise identified as an Edmonds police officer, which would tend to lower the dignity of the police service.

(b) As a process server, bill collector, or any other employment which may require the use of police power for a private purpose.

(c) Any employment which may require access to police information files, records, or services as a condition of employment, except in cases where the prior approval for each use has been authorized by the Chief of Police. Nothing in this policy shall be interpreted to authorize information access in violation of departmental policy, law or contract such as the agreement governing use of the NCIC computer network.

(d) Any employment which assists in any manner the defense preparations in a criminal proceeding or in any civil proceeding which constitute a conflict of interest.

(e) Any place of employment where, because of illegal or questionable operation, there has been or may be a necessity for continuous police action or scrutiny.

All determinations under this policy are at the sole discretion of the Chief of Police and shall not be subject to the Collective Bargaining grievance process.

1040.3.1 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Assistant Chief, undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

1040.4 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in non law enforcement off-duty employment who are placed on medical 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 a notice of revocation of the employee's authorization will be forwarded to the involved employee.

Criteria for revoking the outside employment authorization include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the employee, 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 employee.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

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When the employee returns to full duty with the Edmonds Police Department, a request (in writing) may be made to the Chief of Police to restore the authorization.

All determinations under this policy are at the sole discretion of the Chief of Police and shall not be subject to the Collective Bargaining grievance process.

1040.5 ALLOWED HOURS-OFF-DUTY EMPLOYMENT

The primary obligation and responsibility of an employee who accepts off-duty employment must be to this department. Employees directed to report for overtime work will do so regardless of their off-duty employment situation.

Refer to policy 1032, Fitness for Duty, for specifics and limitations on the number of allowed hours of off-duty employment.

1040.6 REQUESTS THROUGH EPOA

When a request is made for the services of an off-duty Edmonds police officer, that request will be forwarded to an Edmonds Police Officers Association (EPOA) representative for approval and review. All such requests are subject to approval of the Chief of Police.

The EPOA will schedule off-duty employment with the following entities:

(a) Washington State Ferry System

(b) Banks

(c) Edmonds School District

(d) All private requests for flagging jobs

(e) All other off-duty work requested through the EPOA

The approved off-duty service will then be posted on the EPOA bulletin board, available to all members.

The Edmonds Police Officers Association shall document incidents that require law enforcement powers, injury to the officer or others or complaints received stemming from off-duty employment and violations of department policies. Such documentation will be forward to the Chief of Police for appropriate action.

The EPOA may suspend the ability of an officer to work off duty for failing to appear for an assignment.

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On Duty Accidents or Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Human Resources Department to ensure that proper medical attention is received, and that the circumstances of the incident are properly documented.

1042.2 WORKER'S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to the appropriate Assistant Chief of Police and the Human Resources Department. When acquiring medical care for a work related injury, the employee shall advise the medical facility that they are seeking treatment for a work related injury which would fall under Labor and Industries (L&I) coverage. A Report of Industrial Injury or Occupational Disease (L&I Injury Report Form) must be completed in order to initiate an L&I claim. The City of Edmonds Accident/Injury form must also be completed and submitted to a supervisor as soon as possible.

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 and complete a City of Edmonds Accident/Injury Form.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries temporarily prevent resumption of regular duties.

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An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor their ability/inability to perform essential job functions 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.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly request that the employee prepare the appropriate forms as outlined under Policy Manual § 1042.2 and also complete the supervisor section of that form.

The Department of Labor and Industries will forward to the Human Resources Department a request for completion of The Employer Report of Industrial Injury or Occupational Disease and that form will be completed by Human Resources and returned to L&I.

For work-related accidents, injuries, and illnesses not requiring professional medical care, all copies of the completed City of Edmonds Accident/Injury forms, including the supervisor section, shall be forwarded to the supervisor's Assistant Police Chief, through the chain of command.

Copies of any reports documenting the accident or injury should be forwarded to the Assistant Police Chief as soon as they are completed.

1042.2.5 ASSISTANT POLICE CHIEF RESPONSIBILITY

The Assistant Police Chief 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

The Chief of Police shall review all documents associated with the on-duty injury. A copy of the Labor and Industries report and any statements from an examining physician pertaining to the employees work status shall be placed in the medical file by the Executive Assistant.

All documents will be forwarded the Human Resources Department for the management of the Labor and Industries claim.

1042.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a City of Edmonds Employee Accident/Injury Form. This form shall be reviewed and signed by a supervisor.

The reviewing supervisor will complete the accompanying Supervisors Report.

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

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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 report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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Safety Committee

1043.1 PURPOSE AND SCOPE

The Safety Committee, and this policy, has been structured pursuant to the provisions of WAC 296-78-530 and 296-800-130 and shall be responsible for reviewing and evaluating safety and health issues within the Edmonds Police Department and those safety and health issues that our employees may encounter in their working environment.

1043.2 SAFETY COMMITTEE COMPOSITION

The Safety Committee will be composed of:

- One member of the command staff and a recording secretary.
- One sergeant appointed by the Chief of Police.
- Two police officers and one employee from the Support bargaining unit elected by their respective bargaining unit for a period of one year (a member is eligible for reelection to subsequent terms).

The Safety Committee shall elect a chair person from among their members. The management representative is present to assure that all issues are addressed.

At least one alternate for each position will be selected and will fill the position when a regular member is absent or is involved in a matter brought before the committee. If the alternates are not available the chair person may appoint any qualified member to substitute.

1043.3 MEETINGS

The Safety Committee will be responsible for determining the frequency of meetings and will set the date, hour and location of their meetings. The Chair person will be responsible for appropriate notifications. Meetings will not exceed one hour in length unless extended by majority vote of the committee.

Safety Committee meetings shall address the following:

(a) A review of any safety and health inspection reports to assist in correction of identified unsafe conditions or practices.

(b) An evaluation of accident reports involving personal injury, vehicle collisions and similar incidents to determine if the cause of unsafe acts or conditions was properly identified and corrected.

(c) An evaluation of the accident or illness prevention program with the discussion of recommendation for improvement where indicated.

*Incidents that might result in disciplinary action will not be referred to the Safety Committee.

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1043.3.1 MEETING RECORDS

The minutes of the meetings, including any recommendations for action, will be forwarded to the Chief of Police and the City's Human Resources Manager. The minutes will be filed for a period of one year by the Executive Assistant and shall be made available for review by noncompliance personnel of the Division of Industrial Safety and Health.

Attendance at the meetings shall be documented as well as all subjects discussed.

1043.3.2 EMPLOYEE NOTIFICATION

Any Employee having an incident to be reviewed by the committee will be notified in writing at least seven calendar days prior to the meeting at which it will be reviewed. Such notice will include the date, time and location of the meeting and a brief summary of the incident to be reviewed. The Employee will also be advised that their attendance is strictly voluntary.

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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 department members shall be neat in appearance. No extreme hairstyles within these guidelines shall be permitted.

The hair of male employees may be tapered or block cut and must be neatly trimmed. The back may extend to the shirt collar in a straight tapered style. Hair may cover a small portion of the top of the ear. Sideburns may extend to the base of the ear and shall be trimmed horizontally. No extreme hairstyles within these guidelines shall be permitted.

The hair of female Officers may touch the shirt collar but not fall below the collar's edge. Long hair must be worn up in a neat, stylish manner, which permits the wearing of a hat. Conspicuous barrettes, pins or combs shall not be worn.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee.

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.

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1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Edmonds Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property.

Section 1024 - Body Armor.

Section 1030 - Employee Commendations

Section 1044 - Grooming Standards.

The Collective Bargaining agreement provides a list of department purchased uniform items issued to employees. The Uniform and Equipment Specifications list is maintained and periodically updated by the Chief of Police or his/her designee. That list shall be made available to supervisors and should be consulted regarding authorized equipment, vendors 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.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform (to include one Class A uniform) and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

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(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants, with the exception of attendance at officially sanctioned multi-agency events where a dress uniform is expected by event organizers.

1. Under such circumstances, employees shall not consume alcohol in amounts which would impair their ability to drive. In no event shall alcohol use in dress uniform bring discredit to the uniform or the profession..

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.

1. Wrist watch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee two official department identification cards bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification 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 Assistant Police Chief.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

All officers will possess and maintain a serviceable Class A uniform at all times.

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie.

(b) Polished shoes or boots (Boots with pointed toes are not permitted).

(c) Additional Class A uniform options for the above referenced special occasions are as follows:

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1. Uniform Blouse for Command Personnel and Sergeants - Shall be navy blue in color, single breasted with a four-button front and epaulets on the shoulders, worn over a solid white dress shirt with solid navy blue tie. Three stripes of gold braid on each sleeve shall indicate the rank of chief, two stripes for assistant chief, and one stripe for sergeant. One gold service star for every five years of service shall be on each sleeve.
2. Uniform Blouse for Officers - The dark blue, wool blend, single breasted dress jacket with one silver pipe each on both sleeves is authorized for wear with the blue long sleeve uniform shirt and tie only. One silver service star for every five years of service shall be worn on each sleeve.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform (excluding the uniform blouse option) with the following exceptions:

(a) Uniform shirt: All officers may, at their discretion, wear any one of the following uniform options during the entire year:
    1. Option 1 - Long sleeve shirt with a white or dark navy blue crew neck t-shirt or a dark navy blue turtle neck or dark blue tie.
    2. Option 2 - Short sleeve shirt with a white or dark navy blue crew neck t-shirt.
    3. Option 3 - Jumpsuit with a white or dark navy blue crew neck t-shirt or dark navy blue turtleneck.

(b) All shirt buttons must remain buttoned except for the last button at the neck (all buttons with tie).

(c) Shoes for the Class B uniform may be as described in the Class A uniform.

(d) Boots with pointed toes are not permitted.

1046.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as K-9, SWAT, Bicycle Patrol, Motor Officers, Street Crimes, Youth Services and other specialized assignments.

(a) **Motorcycle Breec**hes - Shall be 100% wool, navy blue in color, leather trim or 100% wool over-sized special order with leather trim.

(b) **Bicycle Uniform Jacket/Vest** - Shall be black in color with a yellow upper section. The jacket shall be marked with the word "POLICE" embossed on the left chest area in black two-inch block lettering. It shall have the word "EDMONDS" embossed in black three-inch block letters above "POLICE" embossed in black four-inch block letters on the upper portion

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of the back of the jacket. This jacket is authorized for bicycle patrol only and shall not be worn by officers while working regular patrol or off-duty details.

1. **Bicycle Shoes** - May have straps that serve some function for riding a bicycle. When in short pants, socks may be white in color.

(c) **Insulated Vests -** May be worn by K-9 Officers with the approval of the Division Commander. These shall be marked with a cloth badge and cloth name tag (block lettering).

(d) **Subdued Uniform Shirts -** May be worn by Street Crimes Officers, Youth Services Officers and other personnel authorized by the Chief of Police. Shall be French blue (Youth Services) or navy blue (Street Crimes), polo style shirts with EPD shoulder patches and cloth badges. Street Crimes uniforms shall have POLICE embossed in white on the upper portion of the back.

(e) **Subdued Uniform Pants -** Shall be navy blue (and/or khaki for Street Crimes) in color and of a "5-11 Tactical" or "Royal Robbins" style.

(f) **Subdued Uniform Jacket** - Shall be navy blue in color with concealable insignia, e.g. POLICE on upper portion of the back, POLICE and EPD badge on front.

Specifics on uniform items authorized and purchased by the department for specialized units can be located on the Uniform and Equipment Specifications list maintained by the Executive Assistant or department purchasing employee. Other specification lists may be maintained by individual specialized units.

1046.3.4 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.3.5 ADDITIONAL AUTHORIZED UNIFORM OPTIONS

(a) **Uniform Cap** - Navy blue baseball style cap with "Edmonds Police" in block letters. The department issued cap may be worn only in the traditional fashion (bill facing forward) and may be worn at officers' discretion while on-duty or during off-duty uniformed details. The cap will not be worn at formal events where a Class A or dress uniform is uniform of the day; however, caps may be worn by motorcycle officers in motorcycle uniform prior to or after escorting a motorcade to a formal event. Whenever a cap is being utilized, officers are encouraged to remove the cap inside of buildings when in view of the general public.

(b) **Buttons -** Exposed shirt buttons may be bone buttons. The wearing of metal buttons (silver metal for officers and gold metal for sergeants and command personnel) shall be required only during formal events such as funerals, award presentations, etc.

(c) **Wool Sweaters** - Shall be identical in appearance to the Blauer Commando 200 military V-neck sweater (crew neck sweaters are authorized for those officers who purchased them prior to February 1, 1995). They shall be the 2 x 2 rib knit design with reinforced patches on shoulders and elbows and shall have epaulets. They shall be navy blue in color with cloth badge, cloth name tag (block lettering), and shoulder patches.

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(d) **Leather Jacket** - May be worn by officers assigned to motorcycle patrol and by other officers at their discretion. Leather jackets shall be of the finest quality leather and kept in excellent condition at all times. The only style authorized for patrol officers will be Taylor's "Chicago Style" with zippered slash pockets and black buttons, as special ordered from the manufacturer.

(e) **Gloves** - Shall be black in color. Shot filled or "loaded" gloves are prohibited.

(f) **Jumpsuits** - Shall be from a department approved vendor, navy blue, one-piece jumpsuit with zip off sleeves. Jumpsuits may be worn as a Class B duty uniform

(g) **Uniform Knit Cap**: Navy blue knit style cap with "Police" on the front in silver or gold block letters (appropriate to rank).

1046.3.6 AUTHORIZED UNIFORM ACCESSORIES

(a) **Gun Belt** - A black leather basket weave gun belt will be worn. When it is equipped with a buckle, the buckle will be centered in the front of the body. The gun belt must be secured by the use of "keepers" or Velcro to keep it from sagging down or slipping. At the employee’s option and expense, a department approved duty belt of black basket weave synthetic material may be worn in lieu of a leather belt.

(b) **Holster** - Holsters will be of the approved type and will be mounted on the belt so that the butt of the weapon is placed to the rear. Holsters will be worn on the strong hand side with the retention device securely fastened to secure the weapon in the holster. Officers not wearing issued holsters must have prior approval from their Assistant Chief.

(c) **Leather Accessories** - "Keepers", baton holders, ammunition holders, handcuff cases, key holders, etc., shall be of black leather basket weave design. Officers not wearing issued leather accessories must have prior approval from their Assistant Chief.

(d) **Web Gear** - May be authorized by an Assistant Chief for K-9 Officers, Bicycle Officers, or for officers who have a medical condition that precludes them from wearing leather gear. A letter from the officer's physician, stating the exact medical reasons, must be submitted to the Assistant Chief and retained in the officer's personnel file. All web gear shall be black in color.

(e) **Utility Tools** - At the employee's option and expense a folding knife or multi-tool may be carried for utility purposes as part of the employee's regular duty equipment. Any knife or utility tool carried by uniformed or plain clothes employees shall have a blade length of no more than four inches and shall be carried in a closed condition in a sheath/case matching the appearance of the gun belt or securely clipped in a discreet location on the employees person. Fixed blade knives, boot knives, dual blade knives or knives designed and intended to primarily be a stabbing weapon are not authorized for use.

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1046.3.7 NON-COMMISSIONED PERSONNEL UNIFORMS
Uniform standards for non-commissioned personnel shall be established and maintained by the unit supervisor and Assistant Chief of Police. The Law Enforcement Support Service Employees Collective Bargaining agreement provides specifics regarding authorized uniform items. The Uniform and Equipment Specifications list is maintained and periodically updated by the Chief of Police or his/her designee.

1046.4 INSIGNIA AND PATCHES

(a) **Insignia colors** - "EP" emblems, insignia of rank, tie clasps, cap bands, belt buckles, buttons, and other insignia shall designate rank by their colors; gold for sergeant and above; silver for officers.

1. 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.

(b) **Shoulder Patches** - Shoulder patches designated by the department shall be worn on each arm of the uniform shirt, blouse, jackets, and jumpsuits. The patch shall be sewn on by machine, using thread matching the color of the patch. They shall be centered one-half inch down from the top of the sleeve. Shoulder patches are not worn on the leather jacket.

(c) **Service Stripes** - Blue service stripes denoting each three years of service shall be worn on the left sleeve front of the long sleeve shirt, commencing one inch above the cuff.

(d) **EP Emblem** - Shall be worn by all officers on Class A uniform shirts. EP emblems shall be placed at an angle so that entire emblem fits on collar point on uniform shirts and parallel to bottom of collar five-eighths of an inch from the bottom. EP emblems are not worn on Class B uniform shirts or with jumpsuits.

(e) **Tie Clasp** - Shall be worn and consist of a tie bar or tie pin color-consistent with rank.

(f) **Cap Bands** - Shall be silver for officer and gold for rank of sergeant and above.

(g) **Name Badges** - Department issued name badges shall be worn by each uniformed officer, centered on the top edge of the right breast pocket flap of the blouse & french blue uniform shirt. The posts of the name badge shall be touching the top edge of the flap. Or, the name badge shall be worn in the center of the nameplate patch affixed to the Class A uniform/ dark blue shirt. Cloth embroidered name badges on an all dark navy background and border with silver block lettering shall be worn in a similar location on all sweaters, insulated vests, jackets, and jumpsuits, with the exception of the leather jacket. Name badges for any black jackets, such as rain coats, shall have an all black background and border with silver block lettering.

(h) **Marksmanship Medals** - Authorized medals shall be worn and positioned 1/4" above the name badge and centered on the name badge.

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(i) **Badges and Cap Shields** - Only badges and cap shields issued by the department may be worn. Officers shall wear only the badge or cap shield assigned to them. All badges and cap shields shall be returned to the department upon transfer, promotion, or termination.

(j) **Miscellaneous Items** - Accessories not specified can only be worn with the authorization of the Chief of Police. Authorized emblems or insignia denoting a special assignment may be worn only during the time an officer is actually assigned to that unit or activity.

Loss of Insignia - Officers shall notify the department immediately if their badge, ID card, or any uniform parts that could be used to impersonate an officer are lost or stolen.

1046.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1046.5 PLAIN CLOTHES ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

Male employees not in uniform when on duty or appearing in court shall wear the following: Business suit with a dress shirt and tie or sports coat and slacks with a dress shirt and tie. Female employees shall wear appropriate dress that parallels these requirements: dresses, slacks, shirts, blouses, or suits which are moderate in style.

During the summer months, employees who work in plain clothes may wear slacks and a sport shirt with no tie. Polo shirts may be worn provided they meet the same standard of quality and appearance as other authorized attire.

All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

The following items shall not be worn on duty:

(a) T-shirts or sweat shirts.

(b) Jeans of any style or color.

(c) Tennis shoes or open toed sandals or thongs.

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(d) Swimsuit, shorts, tube tops, or halter-tops.

(e) Spandex type pants or see-through clothing.

(f) Other excessively casual attire.

(g) Distasteful printed slogans, buttons or pins.

Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

No item of civilian attire may be worn on duty that would adversely affect the reputation of the Edmonds Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Edmonds 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 Edmonds Police Department, to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

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1046.7.1 ISSUED EQUIPMENT-MAINTENANCE AND REPLACEMENT

Officers will maintain their uniforms in good condition. Any part of the uniform, which becomes worn or damaged, shall be repaired or replaced as necessary in accordance with Policy 700.2. Costs for cleaning, repair, and replacement of uniform items shall be borne by the city, pursuant to the current labor contract. Any uniform items in need of replacement shall be replaced through the contract vendor.

(a) Replacement of worn or damaged uniform items may be at the direction of a supervisor or administrator, if it is found that the item is un-serviceable. Officers should bring to the attention of their supervisor if they feel an item needs to be replaced.

(b) The officer will complete a uniform purchase authorization form. The supervisor will review and initial the form then forward it to the Assistant Chief for review. The Assistant Chief will fill in the prices and sign the form. The form will then be given to the person responsible for ordering items.

(c) The responsible person will fax or deliver the request form to the vendor. The person responsible or a designee is responsible for picking up all items the department purchases from the vendor. On occasion, officers will be allowed to pick items up, but only after receiving authorization from the responsible person or Assistant Chief.

(d) All items delivered from the vendor to the station will be given to the responsible person to insure that the items ordered have been received and that the invoice may be paid.

All officers are required to possess and maintain all uniform items agreed to in the labor agreement.

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Edmonds Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications, this policy or by the Chief of Police or designee.

Edmonds 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.

1046.9 EQUIPMENT/UNIFORM RETURN

All department owned property to include uniform items and equipment, patches, insignia, badges and identification cards will be returned upon termination of employment.

Upon approval by the Chief of Police a retiree who wishes to maintain a dress uniform for formal Law Enforcement functions may be allowed to retain or purchase specific department uniform insignia and patches.

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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.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

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

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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

The Edmonds 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 a protective order.

(b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.

(c) Provide education to Edmonds Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the Edmonds 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 Edmonds 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 Edmonds 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 Edmonds Police Department employees who are alleged victims of violence at the hands of sworn employees of the Edmonds 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 Edmonds 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 EPD employee is involved they shall:

1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
2. Issue an administrative order prohibiting contact with the victim if appropriate.
3. Forwarded information on the incident to the professional standards unit and/or the Chief of Police for review and further action.

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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 Edmonds Police Department provides appropriate reports and any other requested documentation to the employing agency.

1052.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES
In all instances of law enforcement domestic violence the Domestic Violence Coordinator or DV Unit Supervisor shall:

(a) Review the report and coordinate with the investigative unit or the agency of jurisdiction.

(b) In all situations involving an employee of this department, the Domestic Violence Coordinator will contact the victim, introduce the point of contact and provide an update regarding the administrative process.

(c) Inform the victim that any information disclosed during either the criminal or administrative investigation is subject to public disclosure laws and policies of the department.

(d) Coordinate with the appropriate prosecutor's office regarding charging and prosecution.

(e) Coordinate with the appropriate advocacy organization(s) to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety

1052.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

(a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

(b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Professional Standards Sergeant as soon as possible, but no later than 24 hours after acquiring said knowledge or information. 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 Professional Standards Sergeant within 24 hours.

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(e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Professional Standards Sergeant or by court subpoena.

(f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

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, if not the Domestic Violence Coordinator or a Domestic Violence Unit, should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

(d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

1052.4.1 RADIO RESPONSE

Employees of the Dispatch Center, or responding officers/supervisors, will ensure the following actions are taken:

(a) Enter a call for service.

(b) Notify the Shift Supervisor or the appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.

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(c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 recording.

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 (may be handled by Detectives).
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved (may be handled by Detectives).
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 Appropriate Assistant Chief and the Domestic Violence Unit or Coordinator. Access to the report should then be restricted to some form of "read only" version or physically secured.

1052.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

(a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

(b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Edmonds Police Department involving any law enforcement officer.

(c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.

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(d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

(e) In the event of the arrest of a sworn employee of the Edmonds 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 EPD contact information, acting as the point of contact until another assignment is made.

1052.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Edmonds 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.

(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 Edmonds Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

1052.6 ADDITIONAL CRITICAL CONSIDERATIONS

(a) When responding to a domestic violence or dispute complaint involving a police officer from another jurisdiction, all responding officers will follow all of the applicable procedures that are followed in responding to a domestic violence complaint involving an officer from this department.

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(b) In responding to domestic violence or dispute situations where the victim is a police officer, standard domestic violence response and investigation procedures will be followed including a written report in all instances.

(c) In responding to domestic violence or dispute incidents where both parties involved are police officers, standard domestic violence response and investigation procedures will be followed subject also to the additional protocols described within this policy § 1052. If probable cause is established, the offending officer will be arrested and all firearms possessed by the accused officer which may lawfully be seized will be taken.

(d) The department will conduct a separate parallel administrative investigation of alleged incidents of employee domestic violence in accordance with all applicable department policies and procedures.

(e) With the exception of response to in-progress cases of domestic violence, incidents involving an Edmonds Police Officer(s) will normally be investigated by an outside law enforcement agency selected by the Chief of Police.

(f) In the case of an in-progress incident, involving an Edmonds Police Officer(s), an outside law enforcement agency will be requested to respond to the scene after it has been stabilized to conduct the investigation.

(g) All completed investigations of domestic violence committed by any employee shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

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Department Badges

1054.1 PURPOSE AND SCOPE

The Edmonds Police Department badge and uniform patch as well as the likeness of these items and the name of the Edmonds 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 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 Edmonds 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.

Department issued wallet badges are provided to Detective Unit Personnel.

1054.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Animal Control, Crime Prevention).

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 be presented by the Department with a flat wallet badge indicating a "Retired" status. Additionally, the retiree's uniform badge will be mounted on a plaque for presentation to the employee. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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1054.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Edmonds Police Department. The following modifications shall be included:

  1. The text on the upper and lower ribbons is replaced with the name of the employee association.

  2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Modified (Light) Duty Assignments

1056.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability and will act within the provisions of the Collective Bargaining Agreement and city policies.

1056.2 POLICY

Modified/Light Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignment.

1056.3 GENERAL CONSIDERATIONS

Modified duty assignments are a matter addressed in the Collective Bargaining Agreement of both Police Officers and Support Staff. Modified duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified duty capacity.

1056.4 PROCEDURE

Employees may be assigned to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Assistant Police Chief or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Assistant Police Chief will determine what modified duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment.

1056.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Assistant Police Chief. Modified duty assignments typically are on a standard 40 hour work week, 0800hrs to 1600hrs.

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The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1056.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process time sheets for the employee on modified duty.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Assistant Police Chief apprised of the employee's status and ability to perform the modified duty assignment.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Assistant Police Chief and provide any and all supporting medical documentation for review. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1056.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the essential job functions of their assignment without restriction or limitation.

1056.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1056.5.1 EMPLOYEE RESPONSIBILITIES

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

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1056.5.2 SUPERVISOR RESPONSIBILITIES

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Assistant Police Chief, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City Personnel Rules and Regulations regarding family and medical care leave.

1056.6 MEDICAL EXAMINATIONS

Probationary employees who are assigned to a temporary modified duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1056.7 ACCOUNTABILITY

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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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 Edmonds 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 Edmonds 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 Edmonds 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 Edmonds Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Edmonds 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 Edmonds Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).

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(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 Edmonds 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 Edmonds Police Department or identify themselves in any way that could be reasonably perceived as representing the Edmonds 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 Edmonds Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1060.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

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