LAW ENFORCEMENT CODE OF ETHICS (WASPC 2.1)

The Bremerton Police Department subscribes to the Professional Police Code of Ethics. All sworn members have a fiduciary and ethical responsibility to abide, both on-duty and off-duty, by its provisions.

As a law enforcement officer, my fundamental obligation is to be a responsible public servant. My major duties are to safeguard lives and property, protect the innocent against violence and deception and the weak against oppression and intimidation.

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

I vow to perform all my duties in a lawful, professional and competent manner. I consider the abilities to be courageous in the face of danger and to exercise restraint in the use of my powers and authorities to be the ultimate public trust. I accept that I must consistently strive to achieve excellence in learning the necessary knowledge and skills associated with my duties. I will keep myself physically fit and mentally alert so that I am capable of performing my duties according to the standards of quality expected of my position.

I vow to be fully truthful and honest in my dealings with others. I deplore lies and half-truths that mislead or do not fully inform those who rely on my honesty. I will obey the laws that I have sworn to enforce and uphold. I will conduct myself and perform my duties and responsibilities in a manner that complies with the standards of my Department and the lawful directions of my supervisors.

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

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

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

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MISSION, VISION AND VALUES

MISSION

We serve our community by:

- Enforcing the law
- Building relationships, and
- Combating crime

VISION

The Bremerton Police Department's vision is to maintain a safe, desirable place to live, work and visit.

VALUES

We value leadership, integrity and teamwork.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY

1. The arrest authority of the Bremerton Police Department includes (RCW 10.31.100):
2. When a peace officer has probable cause to believe that a person has committed or is committing a felony, the peace officer shall have the authority to arrest the person without a warrant.
3. 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 a peace officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
4. A peace officer may arrest a person in compliance with an arrest warrant. Prior to serving an arrest warrant, officers will:
   (a) Make reasonable efforts to ensure the person to be arrested is the person named on the warrant by verifying:
      i. Complete name,
      ii. Date of birth,
      iii. Social security number, and
      iv. Physical identifiers (Scars, marks, tattoos listed on the warrant).
   (b) Confirm the warrant with the issuing agency, verifying that the warrant is still active and that they will extradite.

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.3.1 ADVISING OF RIGHTS

Federal case law requires that officers advise a person who is in custody, or the functional equivalent of arrest, of their right to counsel prior to interrogation. Washington criminal court rules require that police advise an arrestee of the right to counsel after making an arrest.

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The language used to advise suspects will be that on the card issued to each employee for that purpose or that language which is found on this Department's Rights Advisement Form. NOTE: It may be necessary for the employee to testify in court as to the precise language used to warn the suspect of his/her rights and the precise language by which the suspect waived these rights.

100.4 COMMISSIONS

Commissioned personnel are sworn to enforce the ordinances of the City of Bremerton, State and Federal law, to protect the public peace and safety within the City of Bremerton, and to abide by the Code of Conduct.

All persons hired as law enforcement officers for the Bremerton Police Department shall be commissioned as police officers for the City of Bremerton prior to being assigned to law enforcement duties.

100.4.1 LIMITED COMMISSIONS

Limited police commissions may be issued upon approval of the Police Chief to persons who have a need to have limited enforcement capabilities. These limited commissions will specifically state the authority of the holder to enforce specific identified ordinances. The limited commission may be withdrawn by the Chief of Police at anytime.

100.4.2 OTHER POLICE COMMISSIONS

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

100.4.3 COMMISSION ABUSE

Any abuse or unjustified use of any police commission or mutual aid peace officers powers may result in permission being withdrawn to carry the commission and/or subject the offending officer to discipline.

100.5 POLICY

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

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

100.6 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

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Law Enforcement Certification

102.1 PURPOSE AND SCOPE

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

As a condition of continuing employment, all sworn officers employed by the Bremerton Police Department shall maintain the basic certification as peace officers as required under RCW 43.101.095(1)(b).

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OFFICERS OATH

I, ---------- solemnly swear that I am a Citizen of the United States and of the State of Washington; that I will support the Constitution of the United States and the Constitution and Laws of the State of Washington; that I will abide by the Code of Ethics and Conduct as set forth in the Police Policy Manual; and will, to the best of my judgment, skill and ability, truly, faithfully, diligently and impartially perform the duties of the position of Police (Rank), in and for the City of Bremerton, Kitsap County, Washington, as such duties are prescribed by law.

104.2 POLICY

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

104.3 OATH OF OFFICE

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

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

104.4 MAINTENANCE OF RECORDS

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

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Bremerton 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 Bremerton 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 Bremerton 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 Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

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 Bremerton.

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

CJTC - The Criminal Justice Training Commission.

Department/BPD - The Bremerton 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 Bremerton Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Bremerton 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 Bremerton 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 Departmental Directives. 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 Division Captain 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 Division Captains, 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 Bremerton Police Department. There are two divisions in the Police Department. They are as follows:

- Support Services Division
- Operations Division

200.2.1 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of Administrative Services, General Investigations, Special Operations Group (S.O.G.), Records, Property and Evidence, Warrants, Electronic Home Monitoring, and Community Resources.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of uniformed Patrol, which includes Traffic, K-9, Mountain Bike Patrol, and Chaplains.

200.3 COMMAND PROTOCOL

200.3.1 ORDERS

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

200.3.2 CONFLICTING ORDERS

Employees who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the supervisor or superior officer issuing the order of the conflict.

If the superior officer or supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer or supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued. As soon as practicable, the employee will notify his/her immediate supervisor of the conflicting order and the actions taken by the employee.

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200.3.3 ILLEGAL ORDERS

Employees shall not obey any order which they know or should know would require them to commit any illegal act.

If in doubt as to the legality of an order, employees shall request the issuing supervisor to clarify the order or to confer with higher authority.

200.3.4 SUCCESSION OF COMMAND

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

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police will be established by rank then seniority with the rank.

200.3.5 UNITY OF COMMAND

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

200.4 CHAIN-OF-COMMAND

Chain of command refers to levels of authority in the Department. The chain of command provides employees at all levels with a supervisor to whom they may ask questions or report problems.

When employees don't follow the established chain of command, they undermine the authority of their direct supervisor. When an employee communicates a problem to a higher level authority, bypassing their direct supervisor, the supervisor doesn't have an opportunity to correct the problem.

Managers, while familiar with higher-level strategies and planning, may not be prepared to correct operational issues or the day-to-day activities of front-line employees. It's more efficient to direct complaints or report problems to the supervisor or manager at the lowest level before escalating the issue to upper-management employees.

Employees will conduct Department business through the chain of command unless procedures or orders from proper authority dictate otherwise.

Exceptions to abiding by the chain of command are:

(a) An emergency situation where an employee's immediate supervisor cannot be consulted the next higher level of command should be consulted.

(b) An employee who is reporting actions or work issues involving their immediate superior may consult the next higher level of command. Complaints of misconduct or work issues involving the Chief of Police will be made to Human Resources.

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(c) An employee meeting with a command level officer above the rank of their immediate supervisor for the purpose of discussing private or personal matters that may be relevant to the workplace. The employee should notify the immediate supervisor of the intended meeting but need not disclose the private or personal details to be discussed at the meeting.

200.5 INCIDENT COMMAND

200.5.1 ON-SCENE COMMAND

Only one person shall be in command and responsible for any specific incident. In general, command of an incident will be determined by which officer was assigned the call or which officer arrives on-scene first.

A supervisor may assume command of an incident at any time by announcing to those present at the scene and over the radio that they have assumed command. A superior ranked officer's appearance on the scene does not automatically place them in charge of that scene, unless they assume control and announce they are taking command. If the superior ranked officer does not announce assumption of command but begins giving significant direction or countermands previously given instructions, on-scene personnel should clarify if the superior officer has assumed incident command. A request by a superior ranked officer for a briefing from on-scene personnel, or the making of minor recommendations, does not constitute assumption of incident command by the superior officer.

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Fiscal Management

201.1 PURPOSE AND SCOPE

The purpose of this chapter is to establish the authority and responsibilities for fiscal management within the Bremerton Police Department

201.2 RESPONSIBILITIES

(a) By City Charter, the Mayor is charged with selecting a department head who is charged with the administration of the affected department.

1. For the Police Department, the Chief of Police is designated as the Chief Executive Officer.
2. The Chief of Police shall have the responsibility for the fiscal management of the Police Department and has authority to spend funds in the approved budget for day-to-day operation of the department. The Chief of Police shall make regular reviews of the Police Department Budget.

(b) Assisting the Chief of Police with the fiscal management of the budget are duties of division captains. Purchasing authorization may be approved by the Chief of Police or his designee(s).

201.3 BUDGET PREPARATION AND CONTROL

(a) By Charter, all financial considerations in the operation of the City are reserved to the City Council with administration by the Mayor.

(b) Following Mayoral direction and utilizing input from organizational personnel, the Chief of Police is responsible for:

1. Budget preparation, and
2. Presentation of the budget to the City Council for approval.

201.4 ACCOUNTING

(a) The City Treasurer maintains an accounting system for all departments including the preparation and submission of reports showing:

1. Initial appropriation for each program;
2. Balances at the start of each period;
3. Expenditures and encumbrances made during the reporting period; and
4. Unencumbered balances.

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(b) The Chief of Police shall make regular reviews of the Department budget. The Captains of each division will review expenditures each month.

(c) The Chief of Police or his designees will review and approve all expenditures.

201.5 AUDITS

Audits of all department cash funds, including accounting procedures, will be conducted at least annually by the City Auditor or department supervisors. All department accounts are subject to impromptu audits at the direction of the Chief of Police. Audits will include a review of procedures used and verification of funds received and transferred. A written report documenting the results of the audit will be submitted by the person conducting the audit. Department command personnel will review fiscal expenditures prior to authorization.

201.6 CASH

(a) Under the direction of the Chief of Police, the Records staff will maintain an audit trail of appropriation and disbursement of all cash allocated to or received from the Department. The Finance department will maintain a financial statement of all accounts that will be updated monthly.

(b) Under the direction of the Chief of Police and oversight by the Support Services Captain, the Drug/Special Operations Group Sergeant will be responsible for the drug/undercover investigations fund including maintaining proper accounting of appropriations and disbursements.

201.7 PURCHASING

(a) Any Supervisor/Manager may initiate a request for purchase using the standard City requisition format. Requests shall be coordinated and approved by the Chief of Police or a designee.

(b) Purchasing shall be conducted in accordance with Administrative Policies and Procedures for City purchasing.

(c) During emergency situations, the Chief of Police or his designee may make purchases associated with meeting the needs of the emergency. Expenditures will be reported at the earliest opportunity.

201.8 PAYROLL

(a) Office assistants for each division shall maintain accurate time sheet pay records for all department employees, including exempt positions, listing hours worked and vacation, leave or holiday hours used.

(b) All time sheets prepared by the office assistants will be approved by a lieutenant or above prior to being submitted to the City of Bremerton Finance Department.

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First Line Supervision

203.1 PURPOSE AND SCOPE

The first-line supervisor is granted the necessary authority to carry out the tasks and duties of the rank as specified in the City of Bremerton Civil Service job description and in this policy manual. By accepting and exercising this authority, the supervisor also assumes the responsibility and the accountability for the manner in which that authority is used. By granting this authority, the Department recognizes the vital role the first-line supervisor plays in fulfillment of the department's mission and goals.

203.2 RESPONSE TO INCIDENTS

(a) The supervisor has the responsibility to be present at incidents in the field and to inquire as to the facts of the situation and monitor the manner in which subordinate officers are handling the incident.

(b) Field response by the supervisor helps to ensure the proper handling of critical problems by subordinate officers.

(c) The watch supervisor or officer-in-charge should respond to all of the following field incidents, unless otherwise occupied with a task of higher priority:

1. All violent and suspicious deaths including suicides.
2. All large-scale incidents that involve multiple patrol units for extended periods of time (e.g. major fires, large-scale building searches, etc.).
3. Crimes that could involve personal injury (robbery, rape, assault, etc.).
4. Use of force involving injury.
5. Officer involved collisions.
6. As required elsewhere in the Policy Manual.
7. As necessary and practical, to provide guidance to patrol officers requesting supervisory assistance and to observe officer performance on a cross section of calls for service.

(d) It is the responsibility of the watch supervisor to take charge of any major emergency operation as quickly as possible until properly relieved.

(e) The supervisor shall notify the appropriate command staff personnel of any serious unusual occurrence, serious crime, major incident or as required by Policy Manual § 358.

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203.3 ROLL CALL LINE-UP

A meaningful roll call process is an essential mechanism for organizing and directing an effective policing system. This process depends heavily upon the supervisor's ability to effectively prepare the necessary information/material and to communicate it to his or her officers in a concise and clear manner.

Specific duties of the supervisor in relation to roll calls include:

(a) Upon reporting for duty, secure a briefing from the supervisor being relieved.

(b) Ensure that an adequate number of personnel are present.

(c) Review current memorandums, crime analysis bulletins, policy and procedures, complaint areas, wanted offenders and pertinent offenses from prior watches in order to accomplish an effective briefing of personnel.

(d) Check information systems for pertinent messages.

(e) Make area or sector assignments.

203.4 MANAGEMENT OF TIME AND RESOURCES

The effective management of operations requires that careful attention be paid to ensure that officers' time is efficiently spent and properly directed to the areas and issues of most pressing concern to the Department. In this regard, supervisors have a responsibility to closely manage and focus the time of their officers toward achieving the policing goals of the Department. This would include:

(a) Determining the number of officers needed at scenes and effecting the prompt return to patrol of unneeded units.

(b) Monitoring the time spent by officers on investigations.

(c) Allocating patrol personnel resources to deal with identified patrol problems both of a criminal and non-criminal nature.

203.5 REPORT REVIEW

Reports prepared by officers are records that document events and subsequent police actions. These reports are the primary source of information used for prosecution, crime analysis, investigative follow-up, statistical reports and management information. A competent report review process performed by an officer's immediate supervisor constitutes the best means of ensuring a high standard of investigation and documentation within the Department. The review duties of the supervisor include:

(a) Reviewing reports submitted during the course of their watch and ensuring that guidelines for completion are adhered to. The review shall consider the quality and thoroughness of the investigation, and the completeness, correctness and legibility of the report (Policy Manual § 344.4).

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(b) Returning for prompt correction any report not meeting satisfactory standards of investigation or documentation (Policy Manual § 344.4.b).

(c) Deciding what, if any, patrol follow-up actions are needed.

(d) Directing and monitoring follow-up investigations by patrol officers.

203.6 PLANNING AND IMPLEMENTING DIRECTED POLICING STRATEGIES

The Department's concept of policing is predicated upon the identification of criminal and non-criminal problems within the City, developing strategies and operational tactics to deal with these problems and planning and implementing a proactive response with a judicious use of resources. The supervisors' role in directed patrol operations includes:

(a) Participation in periodic meetings with the Operations Division Captain and other supervisors for the purpose of identifying policing problems and planning responses to these problems.

(b) Regularly advising the Command Staff of surfacing problems.

(c) Development of tactics to deal with specific policing problems.

(d) Allocating resources to specific areas within specific time spans, based on crime analysis bulletins, direction of higher authority, etc., in order to resolve problems.

(e) Monitoring and reviewing documentation of directed activity by subordinates.

(f) Ensuring that relieving supervisors are thoroughly briefed as to pending/ongoing incidents, details, problems and investigations that require continued attention or follow-up by the relieving unit or watch.

203.7 PERFORMANCE EVALUATION AND INCIDENT REPORTING

The supervisor plays a vital role in the observation and reporting of the continuing performance of his or her personnel. The proper execution of these duties is necessary, not only to document performance problems that require correction but also to ensure proper liability protection of their officers, protect the reputation of the Department and ensure that outstanding officer performance is recognized.

(a) Supervisors shall prepare performance evaluations as required by Policy Manual § 1002 and civil service rules. In order to effectively evaluate the performance of subordinate personnel, supervisors shall:

1. Develop methods to provide documentation of subordinate performance for the supervisor's use when formal evaluations are prepared.

2. Maximize the time spent in the field to observe subordinate performance first-hand.

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(b) Supervisor's will prepare a report on the following incidents. The type of report prepared will be determined by the appropriate portion of the Policy Manual or City Policy:

1. On-duty injuries of personnel.
2. Stolen, lost, or damaged equipment, property or vehicles.
3. Discharge of firearms.
4. Accidents involving police vehicles.
5. Complaints of misconduct.
6. Assessing minimum performance standards.

(c) Supervisors prepare an Inter-department memo on the following:

1. Any alleged crime or serious violation of a rule, order or policy by a department employee.
2. Outstanding employee performance including incidents for which commendations are recommended.

203.8 ASSIGNMENT OF PERSONNEL

The supervisor has the authority to assign personnel to areas, posts or special details, subject to review. In making such assignments, the supervisor will seek the best means of addressing calls for service demands, special requests and directed response to specific problem areas. Supervising officers will ensure that all officers within their patrol areas are assigned in an efficient manner and that all overtime expenditures incurred are necessary.

203.9 INSPECTIONS

(a) Supervisors are responsible for insuring that the uniform and personal appearance of officers and their equipment meet established Department standards on each tour of duty. When deficiencies are noted in these areas the supervisor will take prompt corrective action.

(b) The supervisor may conduct unannounced inspections of officers' handguns, ammunition and equipment to ensure they are clean and properly maintained, and to verify the proper type and amount of ammunition. The results of this inspection shall be documented upon an interdepartmental memorandum and submitted to the Division Command Staff.

(c) The supervisor should conduct complete inspections of all vehicles assigned to their unit. The vehicles' interior, exterior and all assigned supplies will be inspected. Any damage or deficiencies shall be reported or corrected at the time of the inspection. Damage or deficiencies that cannot be corrected should be reported to the appropriate Command Staff officer.

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(d) Supervising officers shall review the monthly activity of their subordinates. The supervisor is to immediately address incidents of substandard performance. The supervisor will counsel any officer whose performance does not meet expected standards. The supervisor will then notify his/her superior of the situation and the corrective action taken.

203.10 TRAINING

Supervisors play an important role in the accomplishment of the Department's mission by identifying areas of performance by subordinate personnel that could be improved through training. Some of the specific responsibilities that supervisors have as trainers are:

(a) Conducting informative critiques of incident or actions.

(b) Identifying individual training needs of officers and personally providing the necessary training and guidance or a referral to the training unit.

(c) Advising the Division Captain, via the chain of command, of general and specific training needs.

(d) Implementing slack time training programs addressing specific unit or individual training needs.

(e) Providing answers to work-related questions posed by officers.

(f) To participate in the field training program for new officers along with the FTO.

203.11 DISCIPLINE

Supervisors are required to supervise all personnel under their command in such a manner as to detect, avoid or correct errors, or incidents of unsatisfactory performance or neglect of duty by subordinates. Supervisors will also be responsible for ensuring discipline, enforcement of rules and regulations, general orders, Department directives, or City policies.

In the case of subordinates who perform in an unsatisfactory manner, supervisors may discharge their obligation to supervise by on-the-spot corrections for minor incidents, formal written counseling or verbal reprimands. For repeated or more serious matters, reports will be forwarded up the chain of command for action. Supervisors who become aware of unsatisfactory performance by a member whom they do not directly supervise will report the incident to the appropriate supervisor.

203.12 DIRECTED ENFORCEMENT

The Department goal in traffic enforcement is the reduction of personal injury and property damage accidents by the identification of high accident locations and focusing on those locations. In a similar manner, the Department desires to increase compliance with traffic laws and ordinances as problem areas for various types of violations are identified. The supervisor's role in selective traffic enforcement operations includes:

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(a) Making personnel aware of high accident locations and neighborhood complaints.

(b) Directing the enforcement activities of personnel toward the high accident locations and focusing them towards violation types which contribute to accidents or complaints.

(c) Participating in the development of enforcement measures as well as the review of their efficiency.

(d) Advising the Traffic Unit and Command Staff of developing traffic problems.

203.13 LEADING BY EXAMPLE

Because of the essential nature of the supervisory position to the overall success of the department, supervisors are role models to their subordinate personnel. As such, they are expected to lead by example. Furthermore, they have the primary responsibility and accountability for the creation and maintenance of a work atmosphere on their respective unit or squad that is conducive to both the achievement of department goals and the development of their personnel. The department's expectations of supervisors as positive role models for their subordinates include:

(a) Maximizing the time spent in the field.

(b) Encouraging officers to excel.

(c) Supporting department goals and policies by attitude and actions regardless of personal opinions.

203.14 OFFICER-IN-CHARGE

In order to accommodate training and other unforeseen circumstances, an Officer-in-Charge (O.I.C.) may be used in place of a sergeant.

O.I.C's will be selected from officers who:

(a) Have been previously trained,

(b) Have displayed leadership qualities,

(c) Are able to organize their work and complete assignments,

(d) Have demonstrated sufficient job knowledge, and

(e) Have expressed a desire to do the job.

At the beginning of each watch bid the sergeants from each watch will notify the Lieutenant of the names of officers they feel are qualified and capable to fulfill O.I.C. duties in their absence. Non-MPO officers who do not wish to perform the duties of O.I.C. shall notify the Department in writing and will not be scheduled for such duty. This does not relieve any officer from the duty of assuming temporary supervisory duties during unforeseen circumstances or on-scene leadership in accordance with Policy Manual § 200. The Lieutenant will review and approve the selections based on:

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- past work performance,
- demonstrated leadership skills,
- willingness to take on extra responsibility, and
- ability to work well with others.

O.I.C.'s will be responsible for the leadership and direction of the watch for the time period they are designated as the O.I.C. An officer filling the position of a supervisor in an O.I.C. capacity shall be vested with the authority of the supervisor. The O.I.C shall be accorded the same obedience and respect, as the supervisor. Failure to obey an O.I.C.'s lawful orders may result in discipline.

The O.I.C. shall not interfere with, countermand or modify the orders previously issued by the superior except in extreme situations.

The general duties of an O.I.C. include:

(a) Administer line-up.

(b) Review, correct, return for correction and/or approve and route reports and other paperwork.

(c) Accept citizen complaints and forwarding them up the chain of command.

(d) Enforces department rules, regulations and procedures. Reports violations up the chain of command.

(e) Assume charge at major incidents until relieved by a superior officer or the event is resolved.

203.15 END OF WATCH REPORT

At the end of each work period, the supervisor or O.I.C. shall submit an End-of-Watch report via electronic mail, in the approved format, to the Chief of Police, Command Staff and other work unit supervisors to inform them of significant events or work accomplished during the watch.

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Written Departmental Communications

204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees with guidelines on the purpose, preparing and routing of various written departmental communications.

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01” For example, 08-01 signifies the first Departmental Directive for the year 2008.

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police, or his/her designee, shall issue all Departmental Directives, General Information Bulletins and Personnel Orders.

The Chief of Police or his/her designee will designate the format of the written communications used by the Department.

Current and past Departmental Directives, General Information Bulletins and Personnel Orders are maintained by the Office Assistants to the Chief of Police and Operations Division for at least the duration of time specified by the applicable Records Retention Schedule.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing, or other prescribed manner, the receipt and review of any new Departmental Directive. Signed acknowledgment forms and/or e-mail receipts showing an employee's acknowledgment will be maintained by the Support Services Captain.

204.4 OTHER FORMS OF WRITTEN COMMUNICATION

The Department utilizes several other forms of standardized written communication that employees are expected to familiarize themselves with. These include:

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204.4.1 GENERAL INFORMATION BULLETIN

A General Information Bulletin (G.I.B.) disseminates miscellaneous information.

204.4.2 PERSONNEL ORDER

A Personnel Order is a document showing any change of status or movement of personnel within the Department. A copy of the Order shall be routed to the employee(s) and Divisions affected.

204.4.3 MEMORANDUM

A Memorandum is used for general communications to advise, remind, inform, request, or document when no other departmental form is required. It can be an actual hard copy or created, sent and received electronically.

204.4.4 TRAINING BULLETINS

Training bulletins may be issued for:

- Alerting personnel to improved techniques or recently developed knowledge.
- Reviewing basic knowledge, procedures, and techniques for dealing with a newly emerging or particularly difficult crime problem.
- Reviewing areas in which operational problems have developed.
- Introducing personnel to the details of a change in procedures or regulation.
- Reviewing techniques, procedures and policies in a particularly sensitive area.

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Planning

205.1 PURPOSE AND SCOPE

It is the policy of the Bremerton Police Department to engage in an ongoing strategic planning process that focuses on the future direction of the department, assessing the department's current goals, and developing and implementing strategies to move forward toward these goals. The strategic plan identifies the department's mission, vision, values, goals, objectives, and performance measures.

205.2 DEVELOPING THE STRATEGIC PLAN

The strategic planning process shall be a combined effort of the staff. Division staff should obtain input from their employees and appropriate stakeholders in the development of the plan. The plan shall include the following:

(a) Long-term goals.

(b) Objectives which break down the agency goals into smaller more specific pieces and describe the measurable results expected to be accomplished within a given time period.

(c) Strategies which describe how objectives will be achieved.

(d) Anticipated workload and population trends.

1. Service demand / calls for service.
2. Crime rate.
3. Arrests and incarcerations.
4. Population increases / decreases.
5. Results from policing initiatives.

(e) Anticipated staffing needs.

(f) Anticipated capital and equipment needs.

(g) Anticipated funding issues.

205.3 MONITORING THE STRATEGIC PLAN

The division captains shall assess the accomplishments of their respective divisions. Progress toward meeting Strategic Plan objectives shall be reported to the Chief of Police. The plan will be reviewed each year by the department and updated as needed. Adjustments can be made to the plan at any time to meet current demands and changes.

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Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

The City Emergency Management Plan is written in accordance with the State of Washington's comprehensive emergency management plan and program, and has been approved for local use (RCW 38.52.070). This plan was written in cooperation with Kitsap County Department of Emergency Management and provides guidance for City emergency operations within and outside its borders.

206.1.1 AGENCYCITYNAME CODES

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

206.2 ACTIVATING THE EMERGENCY PLAN

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

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

206.2.1 RECALL OF PERSONNEL

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

206.3 LOCATION OF MANUALS

The manual for the employees is available in the office of the Chief of Police, the Support Services Division, the Operations Division, the Patrol Sergeant's office and the City Emergency Operations Center (E.O.C.). All supervisors should familiarize themselves with the Emergency Management Plan and the roles police personnel will play when the plan is implemented.

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

206.4 BUILDING EVACUATION PLAN

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

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posted exit strategies shall include any special directions for physically impaired employees (WAC 296.24.567).

206.5 UPDATING OF MANUALS

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

206.6 TRAINING

(a) The City, through the Fire Chief, provides training in the Emergency Management Plan for appropriate personnel as needed. All supervisors should familiarize themselves with the Emergency Management Plan and the roles police personnel will play when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command staff discussion.

(b) Every sworn member of the agency will complete the National Incident Management System (NIMS) introductory training course(s).

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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

The staff will ensure, at minimum, the following:

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

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

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

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

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

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

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

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

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

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

The plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Emergency Vehicle Operations

208.5 TRAINING NEEDS ASSESSMENT

The Chief of Police shall designate the appropriate staff members to conduct a training-needs assessment of the Department. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

208.6 TRAINING DOCUMENTATION

Records shall be kept of training sponsored by or presented on behalf of the Bremerton Police Department. Records should minimally include the following:

- An overview of the course content and/or an instructor lesson plan.
- Names and number of training hours of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- After action report (if applicable).

Employees attending courses or schools outside the Bremerton Police Department will submit a certificate of completion or other appropriate documentation to the Patrol Division office assistant. This documentation shall be provided as soon as practical after completion of the course or school. The employee's training file shall be updated following the successful completion of each training program.

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208.7 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. Sick leave.
3. Physical limitations preventing the employee's participation.
4. Emergency situations.
5. Other approved leave (military leave, jury duty, etc.)

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

1. Notify his/her supervisor as soon as possible.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Division Lieutenant to attend an alternate date.

208.7.1 RESPONSIBILITIES

Employees shall be responsible for maintaining a level of knowledge that will keep them abreast of current techniques, concepts, laws and requirements of their profession. This includes keeping abreast of current case law and new enactments of the laws by reading the Law Enforcement Digest (L.E.D.) in a timely manner each month. The L.E.D. can be found on the Washington State Criminal Justice Training Commission website.

208.8 DAILY TRAINING BULLETINS

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

Personnel assigned to participate in DTBs shall only use login credentials assigned to them. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty.

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Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

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Electronic Mail

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 Records Act R.C.W. 42.56).

All employees are required to check their email each business day.

Bremerton Police Department employees shall also be familiar and comply with City of Bremerton Policy 2-20-15 - Email Use.

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF EMAIL

Sending disruptive, derogatory, disrespectful, defamatory, harassing, obscene, sexually suggestive or otherwise offensive or inappropriate messages will not be tolerated. This prohibition also includes offensive comments or content relating to race, gender, hair color, disabilities, age, sexual orientation, religious beliefs and practices, political beliefs or national origin. Employees who receive e-mails containing content as described above should report the matter to their supervisor immediately. Violation of this section 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 e-mail, name and/or password by others.

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212.3.1 FORWARDING EMAIL

An employee who forwards an electronic message which originates from someone else shall not make changes to the message without clearly disclosing the exact nature of the changes and the identity of the person who made the changes.

212.3.2 NON-SOLICITATION

City e-mail may not be used for commercial activities, religious causes, charitable solicitations, political activity or support for outside organizations. This rule applies to both internal communications and to communications to or from persons outside the City.

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 Public Records Officer shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

212.5 PERSONAL USE

This policy does not prohibit employees from occasional personal use of City email in accordance with City policy 2-20-15. Personal use may not incur any costs to the City or interfere with the performance of an employee's official duties. Excessive personal email use on City time and/or using City resources may result in discipline.

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Department Correspondence

214.1 PURPOSE AND SCOPE

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

214.2 CORRESPONDENCE

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

All letters sent from this Department shall be professionally formatted consistent with accepted business practice. The first page of the letter will be on Department letterhead and any subsequent pages on plain paper. Particular care shall be taken to use proper form and grammar.

The Records Unit shall open any mail not clearly addressed to a specific unit or individual and forward it to the appropriate person.

214.3 SURVEYS

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

214.4 DEPARTMENT ADDRESS USE FOR PERSONAL MAIL

Employees should not use the Police Department address for personal use. The Police Department address is to be used only for Department or City business and not as a location for receiving personal mail that is not connected with the official business of the Police Department.

214.5 MAIL BOXES

Employees may be assigned a Department mail box . The box is to be checked each day upon arrival and again before going off duty. All mail boxes are City property, controlled by the Police Department and, as such, may be inspected at any time.

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Staffing

216.1 PURPOSE AND SCOPE

To provide for the most efficient and effective use of personnel resources, the Bremerton Police Department will attempt to staff each organizational component in a manner consistent with that component's workload. 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 STAFFING LEVELS

The Division Captain will set the staffing levels by evaluating needs, balanced against available resources.

It is the Sergeant's responsibility to ensure they have necessary staffing before granting vacation to prevent having to fill vacancies on an overtime basis. Such decisions will be made in accordance with any applicable provisions of the collective bargaining agreement.

Needs are determined by identification of:

(a) The major tasks of the Division, Unit or position.

(b) The complexity, location and time required for the task, to the extent it can be determined.

(c) The number of incidents handled per person assigned during a specified period of time (i.e. patrol calls for service, investigative case load, etc.)

Available staffing resources for the Department as a whole are set by the City of Bremerton annual budget, through which the City Council authorizes the number and type of each position.

Recognition must be given to the difference between authorized (theoretically available) staff and the actual number of staff available for assignment after considering days off, vacation, holidays, sick leave, training, military leave or any other reasons that would cause personnel to be unavailable to work their normal duties.

216.2.1 SUPERVISION STAFFING / OFFICER-IN-CHARGE

Supervisory staffing levels should result in the scheduling of at least one sergeant for each patrol shift.

In order to accommodate training and other unforeseen circumstances, an Officer-in-Charge (O.I.C.) may be used in place of a sergeant.

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216.2.2 PATROL SECTOR STAFFING

The goal of Operations Division staffing is maintaining 24-hour continuous patrol coverage. The City of Bremerton is divided into a number of specific geographic patrol sectors or areas assigned to patrol officers. Periodic studies of workload and geographic barriers are made to determine the number and boundaries of these patrol sectors.

Each patrol sector is generally staffed by at least one (1) uniformed patrol officer unless the Division Captain authorizes fewer personnel than patrol sectors. Under circumstances when consolidation of patrol sectors are necessary, the watch supervisor will determine appropriate coverage.

All personnel are responsible for familiarizing themselves with all sectors and their boundaries.

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

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

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

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

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

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

218.3.1 REQUIRED WARNINGS

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

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

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

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218.3.2 DOCUMENTATION AND FEES

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

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

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

Payment shall be by cash, check, or money order at the option of the applicant. 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 by the department-established mail renewal procedures or within 90 days after returning to Washington state. Verification for this concealed pistol license renewal exception is subject to the requirements of RCW 9.41.070.

218.5 TEMPORARY EMERGENCY LICENSE

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

218.6 REVOCATION OF LICENSES

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

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

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

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

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

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

218.6.1 INELIGIBILITY

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police shall contact the Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, and if the person may not lawfully possess a pistol without a concealed pistol license, the Chief of Police shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Chief of Police shall require the person to produce the evidence within fifteen days of the revocation of the license (RCW 9.41.075(2)).

218.6.2 FIREARM FORFEITURE

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

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

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

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

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

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

218.7 RECIPROCITY

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

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

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

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

218.8 RESIDENCY

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

218.9 CONFIDENTIAL RECORDS

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

218.10 SUSPENSION OF LICENSES

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

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

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

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

220.3 LEOSA

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

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

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

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

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

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

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

220.3.2 AUTHORIZATION

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

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

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

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

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

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

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

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

220.4 WASHINGTON IDENTIFICATION CARD

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

(a) Has retired from this department.

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

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

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

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

220.5 FORMER OFFICER RESPONSIBILITIES

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

220.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

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

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

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

220.6 FIREARM QUALIFICATIONS

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

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

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Open Firearm Carry

221.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in handling calls for services that involve a person who possesses a firearm that is exposed to public view.

221.2 GUIDELINES

Washington is an "Open Carry" state. There is a presumption that carrying a firearm exposed to public view is legal except where specifically prohibited by law. Open carry does not require a license or permit.

221.3 PROHIBITED CARRY

RCW 9.41.270 prohibits open carry firearms and other weapons.

"*...in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons*."

Merely having a holstered weapon carried open to public view is insufficient to establish reasonable suspicion or probable cause.

221.4 RESPONDING TO OPEN CARRY SITUATIONS

Officers shall respond to all reports of open-carry in order to determine whether the public is in danger or if a violation has occurred. Contact the reporting party and any witnesses to help in this evaluation if they are available. Officers are placed in a difficult situation as they balance the rights of individuals to openly carry firearms with officer safety as they attempt to investigate the situation.

If the only information available to the officer is that a holstered weapon is carried open to public view, a high-risk contact is not warranted. The officer may elect not to make a contact if no violations are noted. When an officer believes contact is warranted with a subject who is openly carrying a weapon they should do so with a cover unit.

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Agency Facilities

223.1 AGENCY FACILITIES

(a) The Department maintains a published business telephone number that is answered during business hours by staff members. There is also a messaging system so the public can leave information 24 hours a day.

(b) The Department also maintains and updates regularly an informational site on the internet. Citizens are able to communicate with the department via email.

(c) Victim and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.

(d) Police employees are physically separated from the public by a physical barrier.

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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.

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

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 Bremerton Police 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.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member 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.

Any officer who observes another law enforcement officer or a member regardless of tenure or rank, use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 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).

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

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

(e) The individual's mental state or capacity.

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

(g) Proximity of weapons or dangerous improvised devices.

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

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

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

(k) Training and experience of the officer.

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

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

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

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

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

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

(r) 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.

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

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

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

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is justified and is subject to the following:

(a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

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

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

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

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

See De-escalation Policy

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

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

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

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 that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

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

When feasible, officers should take reasonable steps to 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. (For deadly force applications, refer to the Use of Deadly Force and In-Custody Deaths Policy, specifically the “Officer Statements” section, for guidance.) The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

A reportable use of force is defined as any incident in which an on-duty department employee, or off-duty employee whose occupation is a factor, uses any deadly force, any less-lethal control device, or any physical force to compel a person to comply with the employee's directions or to prevent escape or overcome resistance by a suspect during an arrest or detention or defend any person from an aggressive action by a suspect. Example of situations that are not reportable force include:

(a) The use of a firm grip control only, which does not result in injury or the appearance of injury (e.g., the use of a grip to control the suspect's hands while searching or handcuffing); or,

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(b) That force necessary to overcome the passive resistance due to physical disability or intoxication which does not result in injury or the appearance of injury (e.g., lift an intoxicated person to a standing position); or,

(c) An incident investigated by a department authorized investigator(s) in which the officer's oral statement is taken and a report is prepared by that investigator(s) (e.g., an officer involved shooting investigation).

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. All reportable use of force incidents will also be documented in the Bremerton Police Department Force Response Report ("Use of Force" report). This report will be completed and submitted with the employees Incident Report. All reports will be reviewed and routed by a shift supervisor up the chain of command. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

(e) Any application of the Taser 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 unreasonable force was used or that any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or

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continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

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

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

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied.

(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.

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

(f) Review and approve all related reports.

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

(h) Evaluate the circumstances surrounding the incident. If there is a question of policy non-compliance or if for any reason further investigation may be appropriate, notify command staff.

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

300.8 TRAINING

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

Subject to available resources, officers should receive periodic training on:

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

(b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Command Staff should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

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

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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De-escalation

301.1 POLICY

When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

301.1.1 DEFINITIONS

De-escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

Evaluation of Non-Compliance: When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

(a) Medical conditions

(b) Mental impairment

(c) Developmental disability

(d) Physical limitation

(e) Language barrier

(f) Drug interaction

(g) Behavioral crisis

An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the officer when deciding which options are the most appropriate to bring the situation to a safe resolution.

301.2 RESOURCES

Mitigating the immediacy of threat gives officers time to utilize extra resources, and increases time available to call more officers or specialty units, including Crisis Intervention Officers (CIOs) and officers equipped with less-lethal tools. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

301.3 STABILIZING TACTICS

Examples of techniques that officers may consider when attempting to slow down or stabilize the situation include:

(a) **Re-positioning.** Place barriers between an uncooperative subject and an officer. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options.

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(b) **Communication.** From a safe position use verbal techniques to calm an agitated subject, promote rational decision making and attempt to gain compliance.

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

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Use of Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Bremerton 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 Bremerton Police Department will objectively evaluate the use of force by its employees to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.2.1 CHAIN OF COMMAND REVIEW

(a) A use of force review will be conducted by an employee's chain of command any time an employee uses force which does not involve serious injury, death or the discharge of a firearm. The supervisor, division lieutenant and division captain will conduct the review for policy compliance. If it is determined that a use of force may not have been in compliance with department policy, the Chief of Police will be advised.

(b) Upon initial review the Chief of Police may:

1. Find that the employee acted within the Department use of force guidelines.
2. Require additional training
3. Require a Review Board be convened;
4. Initiate a criminal or internal investigation; and/or
5. Initiate an outside investigation or review.

An annual review and analysis of all use of force will be conducted and presented to the Chief of Police.

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 serious physical injury to another, that employee will be placed in a temporary administrative leave pending an administrative review.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in serious injury or death to another. The Chief of Police may request the Use of Force Review Board to review the circumstances surrounding any use of force incident.

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

A captain will convene the Use of Force Review Board as necessary. The captain 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 captain should select three to five Use of Force Review Board members from the department or from an outside law enforcement agency, as appropriate.

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 does not 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.

The board shall make one of the following recommended findings:

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

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

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

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

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

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Transports

303.1 PURPOSE AND SCOPE

This policy establishes procedures for the transportation of persons in police custody

303.2 ROUTINE TRANSPORTS

Circumstances will arise which require an alternative course of action. However, under normal circumstances officers will:

(a) Transport no more than two persons in a police vehicle. Only one violent prisoner should be transported in a police vehicle.

(b) Secure all persons in a seatbelt in an upright position.

(c) Drive in a manner which minimizes discomfort to passengers.

(d) Not leave the vehicle unattended while persons in custody are being held inside.

(e) Not engage in personal activities (lunch, coffee, etc.), while persons in custody are in the vehicle.

(f) Deliver person(s) in custody to the intended destination without delay and by the most direct route.

(g) Notify the dispatcher and note the times of arrest, departure from the arrest scene, arrival at the destination and return to service.

(h) Give odometer mileage to CenCom at the beginning and end of a transport involving a person of the opposite sex.

(i) When possible, prisoners will be transported in patrol vehicles with security barriers between the front and rear seats. If circumstances require the use of an unmarked vehicle without a security barrier to transport a prisoner, two officers should be present. The passenger officer must remain vigilant, focusing his or her attention on the prisoner throughout the transport.

(j) Two officers should be present when transporting a victim or witness of the opposite gender, or who is a juvenile, in a vehicle without a security barrier (i.e. detectives). The second officer may follow behind the transporting officer in another vehicle, or ride in the transporting vehicle. Deviation from this two-officer requirement requires supervisory approval.

303.2.1 TRANSPORT INTERRUPTIONS

The primary duty of the transporting officer is the safe delivery of the prisoner in his/her care and the safekeeping of their property. Therefore, the officer should not stop to render law enforcement assistance to third parties along the route except under emergency conditions where grave risk

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to third parties is clear and the risk to the prisoner is minimal. Should the officer decide to stop, Cencom will be immediately advised via radio.

303.2.2 DETECTIVE TRANSPORTS
Unmarked vehicles may be used for transporting individuals who have been arrested by detectives when the arrested subject is non-combative, handcuffed and seat belted into the vehicle and a second officer is riding in the back. If more than one subject needs to be transported, or if the arrestee is combative, only vehicles with the appropriate screen between passenger and operator compartments will be utilized. Detectives may transport witnesses and victims at their discretion.

303.3 TRANSPORTING SICK, INJURED OR DISABLED PRISONERS

(a) If a prisoner becomes sick or is injured incident to arrest and is in need of medical treatment, the arresting officer must seek medical treatment for the prisoner at that time. Prisoners with life threatening medical conditions or injuries must be transported to a medical facility by ambulance. In such instances, an officer may be designated to accompany the prisoner during transport or follow the ambulance in a patrol car. The need for restraining devices will be determined upon consultation with the medical personnel providing the immediate treatment to the prisoner. If a prisoner is transported to a medical facility, a supervisor should be notified as soon as practical.

(b) Disabled or handicapped prisoners may require special procedures. The transporting officer will:

1. Make every legally required effort to ensure that any special equipment or medicine required by the prisoner is transported along with the prisoner; and
2. Request assistance when needed in order that the transport may be completed in a manner that is safe for the prisoner and the officer.
3. Specially equipped vehicles may be requested to transport handicapped persons whose condition prohibits transport in police vehicles. When feasible, these arrangements will be made prior to the arrest taking place.
4. The application of restraint devices on a handicapped prisoner is governed by the subject's physical capabilities, seriousness of the charge and threat level of the prisoner. Officer will use discretion and sound judgment when determining whether restraining devices are necessary for physically handicapped prisoners.

303.4 SEARCHES

(a) Officers will conduct a thorough search of a prisoner incident to an arrest. In addition, any officer who is accepting responsibility for a prisoner will conduct a thorough search of the prisoner. If exigent circumstances require the quick removal of a prisoner from a scene, this search may consist of a quick pat-down for weapons. A more thorough search will be conducted after moving a safe distance from the original scene.

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(b) Officers are to conduct a thorough search of the interior of their police vehicle prior to and after any non-police personnel have been inside the vehicle.

303.5 DESTINATION PROCEDURES

Once the transporting officer(s) arrive at a destination in which they plan to transfer custody of the prisoner being transported, the following procedures are to be followed:

(a) If arriving at a detention facility, all firearms shall be secured in a lock box designated for firearms or in a secured area of their vehicle for safe keeping, per the receiving agency's procedures.

(b) Request the receiving officer search the prisoner prior to taking custody.

(c) Restraints will be removed in the presence of the receiving agency's staff.

(d) Deliver all documentation required by the receiving facility prior to departing the facility.

(e) Advise receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.

303.6 EXTRADITIONS

(a) Transporting personnel shall maintain visual contact with all prisoners in their custody.

(b) Employees transporting a prisoner by vehicle should not stop unless providing a meal break, restroom break, or when an emergency exists, the circumstances of which are such that failure to do so may result in the severe injury or death to any person.

1. Prisoners will be given the opportunity to use the restroom facilities prior to beginning the trip. If it becomes necessary to stop for a restroom break during the transport, a safe place such as a law enforcement or correctional facility should be used when possible.

2. The restroom will be inspected prior to use by the prisoner. In those instances where the employee and prisoner are of the same sex, the employee will remain with the prisoner.

3. When the prisoner is of the opposite sex, the transporting employees will request an appropriate employee of the law enforcement agency being visited to accompany the prisoner. If a public restroom must be used, the transporting employee will take appropriate precautions to ensure the security of the public and the prisoner.

4. During extraditions, transporting personnel will provide prisoners with meals dependent on the length of the trip.

(c) All out-of-state extraditions will be approved by the Support Service Captain and scheduled by the General Investigations supervisor.

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1. Upon notification of the pending transport, the General Investigations supervisor will:
   (a) Confer with the prosecutor's office to determine if the case is still viable (victim, witnesses, evidence still available).
   (b) Determine if the transport will be made by air travel or by vehicle, or other transport arrangements.
2. Once the determination has been made of how the inmate will be transported, along with how many personnel will complete the transport, the General Investigations supervisor or designee will complete a transport schedule. This transport schedule will include all travel directions, whether a flight plan or road travel plans.
3. Only personnel that have had appropriate training will be permitted to transport by air travel.
4. Transporting personnel will carry a certified copy of all warrants, a certified copy of the warrant to convey and/or a copy of the Governor's Warrant, along with available information pertaining to the correct identity of the prisoner in question.

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

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

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.

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

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 person (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 checked for proper fit and double-locked to prevent tightening, which may cause undue discomfort or injury to the hands, wrists or ankles. This procedure shall be noted in the incident report. If an officer is unable to double lock and/or check the fit of the handcuffs because of violent behavior of the offender the inability to double lock or fit check shall be documented. The handcuffs should be checked, adjusted and locked when able.

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

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

After handcuffing, a prisoner or arrestee shall be thoroughly searched in a systematic manner by officers of the same sex if possible.

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No person shall be handcuffed to any stationary object unless to a designated bench that is immovable and specifically manufactured or designed for handcuffing or restraint. Exceptions to this are limited to extreme circumstances. Proper documentation of the incident shall be required.

No person shall be handcuffed to any movable object or vehicle except if an emergency situation arises. Proper documentation of the incident shall be required.

Handcuffs used by officers shall be of reputable manufacture (i.e., Peerless, Smith & Wesson). All agency supplied handcuffs are authorized. Personally purchased handcuffs meeting these criteria and approved by the Department may also be used.

The Department shall maintain a list of all handcuff serial numbers and who they are issued to. This includes both Department issued and personally purchased handcuffs that are carried by officers. If an officer loses or transfers his or her handcuffs, the officer will notify the Operations Lieutenant who will note the change in status on the applicable record.

Handcuffs will be inspected annually for function and serial number assignment by the Operations Lieutenant or designee.

Handcuffs will be maintained by the officer in good working order in accordance with manufacturer's instructions. Handcuffs which become bent, rusted, difficult to lock, unlock, release or ratchet shall not be used.

In situations where there are an insufficient number of handcuffs or when transporting several prisoners together in a row by attaching one cuff to an arm of each prisoner.

Juveniles will not be handcuffed to adults.

When using nylon or plastic handcuffs, the officer should ensure that they are not over tightened or that they do not pinch the prisoner's wrists. Nylon or plastic handcuffs should be removed with appropriate cutters. If appropriate cutters are not available to remove them, nylon or plastic handcuffs should not be used. Do not use a knife to remove nylon or plastic handcuffs.

306.5 APPLICATION OF SPIT HOODS

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

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

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

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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 person.

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

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

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) Two officers will be assigned for transport so that constant monitoring of the prisoner is accomplished. The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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

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

306.8 REQUIRED DOCUMENTATION

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

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

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

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

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

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

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

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

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

306.8.1 SCHOOL RESOURCE OFFICERS

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

306.9 TRAINING

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

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

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

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

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

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Duty Knives

307.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules and procedures regarding the general and defensive use of knives by agency personnel.

307.2 POLICY

The Bremerton Police Department authorizes officers to possess and use duty knives. It is recognized that officers may have many needs for a knife, including both general work and for limited defensive purposes. Only those officers who have received Department-approved training in the use of a duty knife may carry one on-duty. Nothing in this policy requires any officer to carry a knife.

307.3 SPECIFICATIONS

The cutting edge of knife may not exceed 5 inches in length measured from tip of the blade to where it inserts into the handle. The blade may be plain edged, serrated or a combination of a plain and serrated edge. Folding knives are to be of a lock blade design with easy one-hand opening and closing.

Knives which open using a spring assist are generally prohibited in Washington. RCW 9.41.250 provides an exemption for law enforcement officers. Officers may possess a spring bladed knife while:

(a) On official duty,

(b) Transporting the knife to or from the place where the knife is stored when the officer is not on official duty, or

(c) Storing a spring blade knife.

The exemption does not allow a law enforcement officer to carry a spring bladed knife while off-duty.

307.4 GENERAL USE AND CARRYING

Officers shall carry and use knives as unobtrusively as possible to avoid alarming the public. The knife must be secured by a case if carried on the duty belt. If not carried on the duty belt, the knife must be secured by a clip or other fastening device to ensure retention and concealment.

The officer shall use reasonable care when using the knife as a tool to prevent injury to the officer or others, or damage to property. The officer shall take care not to exhibit or handle the knife in a careless or alarming manner.

Officers will notify the Department of the make, model and serial number, if applicable, of any knife carried on-duty.

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307.5 DEFENSIVE USE OF A KNIFE

The Bremerton Police Department requires any force by its officers to be objectively reasonable and comply with the RCW and Use of Force policy.

Officers are cautioned that the knife is primarily a cutting tool to assist them in their duties, and is not intended by this agency to be a primary weapon of defense.

The use of a knife against an aggressive, life-threatening subject can be employed only when the officer has an objective and reasonable belief that his or her life is in imminent danger of death or serious bodily harm and this belief is based on the totality of the circumstances known to the officer at the time.

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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 Bremerton 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 and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

Officers who are issued Tasers will be required to carry the Taser on their duty belt at all times while on duty. The carrying of both the OC Spray and ASP Baton on the duty belt is recommended but not mandatory when carrying a Taser. An officer may remove either the OC spray or the ASP baton if carrying a Taser. The OC or Baton must be carried in an officer's duty bag if not carried on the belt. Officers who are not issued a Taser must carry OC Spray and an ASP baton on their duty belt while in uniform.

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 WATCH SUPERVISOR RESPONSIBILITIES

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

The watch supervisor will be responsible to make certain that all persons who have been taken into custody after a control device was employed have been screened by an aid crew prior to transport.

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308.4.2 INVENTORY RESPONSIBILITIES
The designated supervisor 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 designated supervisor 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.

Any damaged, inoperative, outdated or expended control devices or munitions shall be returned to the supervisor for disposition. In the case of damaged devices or munitions, documentation, including Damage to City property forms, explaining the cause of the damage shall be forwarded through the chain of command.

When a control device is used to take a suspect into custody the officer will notify their supervisor as soon as is practical. The officer will ensure that photos of the suspect and all injuries are photographed if appropriate. Aid will be summoned for the suspect as soon as is practical.

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 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.

308.6.1 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.

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308.6.2 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.

308.7 POST-APPLICATION NOTICE

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

308.8 KINETIC ENERGY PROJECTILE GUIDELINES

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

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

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

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

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

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

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

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

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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.

308.8.3 SAFETY PROCEDURES

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

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

When it is not deployed, the shotgun or launcher will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun or launcher.

308.8.4 PROCEDURES FOLLOWING KINETIC ENERGY PROJECTILE DISCHARGE

Persons who are struck, or claim to have been struck, by kinetic energy projectiles will be provided medical attention as soon as practical. Officers will also:

(a) Collect expended casings and projectiles (if recovered) and place them in evidence.

(b) Measure and photograph target range.

(c) Photograph any injuries or property damage.

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308.9 TRAINING FOR CONTROL DEVICES

The Operations Lieutenant shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary.

(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.

308.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Tasers.

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING TASERS

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

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

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

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

When carrying while in uniform, officers shall carry the Taser in a weak-side holster on the side opposite the duty weapon.

(a) All Tasers 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.

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

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

309.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

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

309.5 USE OF THE TASER

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

309.5.1 APPLICATION OF THE TASER

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

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

Because the application of the Taser 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 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 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 for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the Taser 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 appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the Taser, including:

(a) Whether the probes are making proper contact.

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

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Taser. As soon as practicable, officers shall notify a supervisor of all Taser discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, will be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging shall be marked "Biohazard" if the probes penetrated the subject's skin.

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309.5.6 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department Tasers while off-duty. This section is not intended to prohibit the carry of a TASER while in uniform and engaged in approved off-duty employment.

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

309.6 DOCUMENTATION

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

309.6.1 TASER USE DOCUMENTATION IN INCIDENT REPORT

The following information should be included in the officer's incident report:

(a) The type and brand of Taser and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of Taser activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the Taser was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Department should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Department should also conduct audits of data downloads and reconcile Taser report forms with recorded activations.

309.6.2 REPORTS

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

(a) Identification of all personnel firing Tasers

(b) Identification of all witnesses

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(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

Personnel should not remove Taser probes from a person's body unless trained to do so. Only medical personnel should remove probes that have penetrated a subject's sensitive areas or are difficult to remove. Used Taser probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

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

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

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

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Taser (see the Medical Aid and Response Policy).

309.8 SUPERVISOR RESPONSIBILITIES

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

The device's onboard memory should be downloaded through the data port by a supervisor and saved with the related use of force evaluation report. Photographs of probe sites should be taken and witnesses interviewed.

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309.9 TRAINING

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

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

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

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

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

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

The Operations Lieutenant 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 and transitioning to other force options.

(f) De-escalation techniques.

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

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Use of Deadly Force and In-Custody Deaths

310.1 PURPOSE AND SCOPE

This policy establishes procedures for managing an incident in which the use of force by a peace officer results in death, substantial bodily harm, or great bodily harm or, a person dies or receives great bodily harm while in-custody.

310.1.1 DEFINITIONS

(a) Evanescent evidence – Physical evidence that may be degraded or tainted by human or environmental factors if left unprotected or unpreserved for the arrival of the independent investigative team (IIT); identification and contact information for witnesses to the incident; photographs and other methods of documenting the location of physical evidence and location/perspective of witnesses.

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

(c) Great bodily harm - Bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

(d) In-Custody death - The death of any person who is detained, arrested, en route to incarceration, or incarcerated in local facilities. Excluded are deaths caused by fatal injuries that occur while an inmate is under physician's treatment for a disease or other natural condition, except that deaths involving custodial trauma or custodial suicide while under a physician's treatment are considered In-Custody Deaths.

(e) Independent investigative team (IIT) – A team of qualified and certified peace officer investigators and civilian crime scene specialists. An IIT is created when multiple law enforcement agencies enter into a written agreement to investigate police use of deadly force incidents in their geographical region. A single law enforcement agency may fulfill the independent investigative function, provided it is not the involved agency.

(f) Involved officer - An officer, who in the performance of their duties, uses force that results in death, substantial bodily harm, or great bodily harm; or, in whose custody a person dies or receives great bodily harm.

(g) Non-law enforcement community representatives – Community members selected by this agency to participate in the IIT as delineated in WAC 139-12.

(h) Substantial bodily harm – Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

(i) Uninvolved officer(s) - Officers who responded to, or were present at, the scene but did not witness the use of force by involved officer(s).

(j) Witness officers - Officers who observed the use of force by involved officer(s).

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310.2 TYPES OF INVESTIGATIONS

Incidents during which an officer's use of force results in death, substantial bodily harm, or great bodily harm, or a person dies or receives substantial bodily harm or great bodily harm while in-custody, will result in a criminal investigation and an internal investigation or use-of-force review.

(a) Independent Investigation: The Chief of Police or designee will request an independent criminal investigation be conducted by either an uninvolved agency or an Independent Investigative Team (IIT) to determine whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws.

(b) Internal Investigation / Use-of-Force Review: An internal investigation / use-of-force review will be conducted to determine whether the use of deadly force was in compliance with Bremerton Police Department policy. This investigation / review will be conducted in accordance with the provisions of the Use of Force Review policy.

(c) Criminal Investigation: If the use of deadly force occurred during another criminal investigation (e.g. bank robbery, homicide), determination of which agency or IIT will investigate the underlying crime will made by agreement between the chief law enforcement officers of the affected agencies and applicable IIT commanders. A primary factor in that determination will be the degree of separation, by time and distance, of the underlying crime from the use of deadly force.

310.3 INITIAL ON SCENE DUTIES

310.3.1 DUTIES OF INVOLVED OR ON-SCENE OFFICER

The involved or other on-scene officers should complete the following duties if reasonably possible under the circumstance:

(a) Immediately notify CenCom and the supervisor to obtain additional resources.

(b) Render first aid to any injured parties. Call for paramedics as required.

(c) Direct back-up units as necessary.

(d) Protect the scene and any evanescent evidence. No items, including involved vehicles, should be moved or have their condition altered unless authorized.

(e) Provide a public safety statement to a supervisor.

(f) Protect weapon(s) for examination.

(g) Remain on scene until properly relieved.

310.3.2 DUTIES OF ON SCENE SUPERVISOR

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

(a) Take command of the scene until relieved.

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

(c) Activate the IIT via CenCom and the command staff.

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(d) Obtain a briefing from any uninvolved or witness officer(s) who were present.

(e) Obtain a public safety statement from the involved officers.

(f) Using information obtained in the public safety statement, take appropriate actions to:

1. Identify likely bullet trajectories and determine if there are secondary victims.
2. Locate and protect evidence.
3. Coordinate search for outstanding suspects.

(g) Ensure the crime scene is secured by proper placement of crime scene tape. No one should enter the crime scene other than medical personnel rendering aid or IIT personnel.

(h) Ensure a crime scene log is established and maintained. Assign at least one officer to guard each crime scene and keep a log of everyone entering and leaving the scene.

(i) Ensure the involved officer(s) secures their weapons until surrendered to investigators. There is no need to remove the officer's weapon publicly on scene.

(j) Identify and separate witnesses.

(k) Identify any individual(s) with potential gunshot residue and take the appropriate steps to ensure the person does not destroy this evidence.

(l) Ensure that all responding officers not directly involved in the incident complete their reports.

310.3.3 PUBLIC SAFETY STATEMENT

The supervisor will administratively order any involved officer from this department to immediately provide a public safety statement. The purpose of this statement is to provide sufficient information to apprehend the suspect(s), identify and protect evidence and to check on the safety of the public. The Department recognizes and anticipates that the stress of the incident, combined with the cognitive demands imposed on the participants as a function of their active role, may impair recall. Those evaluating the incident after the fact should be mindful of the potential for naturally-occurring memory gaps and inconsistencies, particularly for those who were immersed in the incident.

Supervisors should immediately act on information provided during the public safety statement to check on the safety of others, attempt to apprehend the suspect and protect evidence. This includes a radio broadcast of any information that would help accomplish these goals. Involved officer(s) should not be interviewed at the scene other than to gather the public safety statement, which should be limited to the following:

(a) What was your location when you fired?

(b) In what direction did you fire?

(c) How many rounds did you fire?

(d) If you know of anyone who is injured, what is their location?

(e) What is the location of any other involved parties?

(f) Are there any outstanding suspects?

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(g) What is their description?

(h) What is their direction of travel?

(i) How long have they been gone?

(j) What crime(s) are they wanted for?

(k) What weapons are they armed with?

(l) Is there any evidence that needs to be protected, where is it located?

(m) Are any other personnel involved?

310.3.4 WITNESS IDENTIFICATION

Supervisors should take steps to identify witnesses, including those who claim not to have witnessed the incident but who were present at the time it occurred. Any potential witness who is unwilling or unable to remain available for a formal interview by the IIT should not be detained absent reasonable suspicion to detain or probable cause to arrest. Witness information should be provided to IIT personnel upon their arrival at the scene.

310.4 HANDLING INVOLVED OFFICER(S)

As soon as they are no longer needed at the scene, involved officers should be transported (separately, if feasible) to the station. The involved officer(s) shall remain dressed and equipped as they were during the incident. Once at the station, the officer(s) shall be photographed as they were dressed and equipped at the time of the incident. Their uniform and equipment may be examined and collected by the investigators. 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 IIT investigators can properly collect it. All reasonable accommodations to care for the officer's physical and emotional needs should be taken.

310.4.1 COMMUNICATION WITH INVOLVED OFFICER(S)

Following the public safety statement, each involved officer should be given an administrative order not to discuss the incident with anyone, except IIT investigators, the employee's attorney, a designated peer supporter, a mental health professional, the officer's personal clergy or spouse.

Communications between designated peer supporters and involved officers are privileged [RCW 5.60.060]. No involved officers should be permitted to meet collectively with a counselor or in a group for the purposes of a critical incident debrief prior to providing a formal statement to IIT investigators.

Communications with guild representatives are not privileged. Any statements made by an involved officer to a guild representative about the details of the incident may be required to be divulged in state or federal court proceedings. Involved officers may discuss the post-incident process with their guild representative.

Discussions with licensed attorneys are considered privileged as attorney client communications, however, no involved officers shall be permitted to meet collectively with an attorney prior to providing a formal statement.

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310.4.2 FAMILY NOTIFICATIONS

Arrangements should be made to notify the involved officer's family as soon as possible. The involved officer should make the notification if at all possible. An open line of communication should be established between the officer's immediate family and a member of the police department, who will remain available to answer questions and to see to any reasonable needs of the family.

310.4.3 COMPANION OFFICER

Involved officers should not be isolated. As soon as resources permit, each involved officer should be provided with a companion officer who was not involved in the incident. The companion officer’s duties include:

(a) Drive the involved officer to the station.

(b) Accompany the involved officer until relieved.

(c) Ensure the involved officer is isolated from other personnel involved in the incident.

(d) Ensure the involved officer does not discuss the incident.

(e) Attend to needs of the involved officer.

310.4.4 INVOLVED FIREARMS

When an officer's firearm is collected by IIT investigators, or left at the scene (e.g., evidence), the officer will be provided with a replacement firearm unless the circumstances reasonably preclude replacement. Absent a compelling need, the firearm should not be taken from the officer at the scene.

Injured involved officers taken to a hospital should have their belt, holster, and weapon secured for examination and collection by IIT investigators.

All weapons, including back-ups, in the possession of the involved officer at the time of the incident should be secured for examination and collection by IIT investigators, even if not used.

310.4.5 RELIEF OF DUTY / REASSIGNMENT / ADMINISTRATIVE LEAVE

Any officer who uses force which results in death or great bodily harm shall be relieved from duty and placed on administrative leave. This assignment to administrative leave is not disciplinary and does not imply the officer acted improperly. The purpose of this relief from duty is to:

(a) Protect officers who have not exceeded the scope of their authority from possible confrontations with the community;

(b) Protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force and;

(c) Provide the involved officer with a reasonable recuperation period prior to clearance for return to full duty.

The officer will generally remain on administrative leave until cleared by criminal and internal investigations and a psychologist or psychiatrist determines that the employee is able to return to regular duty. The Chief of Police may assign involved officers to desk duties prior to return to full duty.

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The Chief of Police may return an involved officer to their regularly assigned duty prior to the completion of criminal and internal proceedings on a case-by-case basis when:

(a) There is a clear and objective basis for the Chief of Police to believe that the officer did not exceed the scope of their authority in the use of deadly force and,

(b) Careful consideration is given to interests of, and impacts to, the community, the Department and the officer by the return to full duty.

While on administrative leave, the officer will remain available for interviews and statements, at times designated by the Chief of Police or designee.

310.4.6 PEER SUPPORT

The involved officer will be offered a peer supporter to provide emotional and logistical support following the incident. Involvement with peer support is voluntary.

Communications between the peer supporter and the involved officer are privileged. Peer supporter must be designated as such prior to the incident that results in counseling. The privilege only applies when the communication was made to the peer supporter while acting in his or her capacity as a peer supporter. The privilege does not apply if the peer supporter was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support services (RCW 5.60.060).

Employees experiencing emotional stress may initiate contact with a peer supporter at any time.

310.5 OFFICER INVOLVED USE OF DEADLY FORCE - CRIMINAL INVESTIGATION

310.5.1 INVESTIGATING AGENCY

The Department participates in the Kitsap Critical Incident Response Team (KCIRT), a multijurisdictional IIT formed to investigate officer involved incidents which result in death, substantial bodily harm, or great bodily harm. The Chief may select KCIRT or another law enforcement organization to investigate the incident.

310.5.2 OFFICER STATEMENTS

Besides the public safety statement, involved officers should be provided with reasonable recovery time before meeting with investigators or providing statements. This can range from a minimum of overnight to 48 hours but may be extended on a case-by-case basis.

Involved officers may consult individually with a labor representative and legal counsel of their choosing prior to speaking with investigators or providing statements. In order to maintain the integrity of the investigation, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

The involved officers will be afforded all constitutional rights during the criminal investigation.

IIT Investigators will generally request a voluntary report or statement from the involved officer. Involved officers will not be ordered to provide statements or reports without approval from the Chief of Police or designee. In the event a statement is compelled from an involved officer as part of

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an administrative investigation, members are prohibited from providing the compelled statement, or any of the investigative fruits from such compelled statements, to any member of the IIT.

Witness and uninvolved officers are required to provide necessary reports and/or statements.

310.5.3 INFORMATION FIREWALLS
Apart from the initial information exchange when transferring responsibility of the scene to IIT investigators, no member of this Department will discuss the investigation with, receive information or materials from, or provide information or material to, a member of the IIT without approval of the Chief of Police or designee. The Chief of Police or designee will not approve of such an exchange without first consulting the IIT incident commander. Any unauthorized information that is shared or received shall immediately be reported to the Chief of Police or designee and the IIT commander.

310.6 ADMINISTRATIVE INVESTIGATION
The department will conduct a shooting review or an internal administrative investigation to determine conformance with department policy. The review will be conducted in accordance with any applicable provisions of the current collective bargaining agreement.

310.7 AUDIO AND VIDEO RECORDINGS
Any known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the IIT investigators, the prosecutor's office and the City Attorney's Office as appropriate. The chief may request that the IIT release video or other investigation information of urgent public interest.

310.8 POST INCIDENT OFFICER CARE AND RETURN TO DUTY

310.8.1 CRITICAL INCIDENT DEBRIEF
A psychologist or trained facilitator will conduct a group debriefing, upon request, with those personnel involved in the event. The debriefing is not part of any investigative process. Attendance at the debriefing is voluntary and should only include approved facilitators and those directly involved in the incident who have already provide required statements or reports. Notes or recordings will not be made. If an involved officer is unable to participate in a debriefing because they have not completed their official statements, arrangements should be made for the officer to meet individually with a psychologist.

310.8.2 PSYCHOLOGICAL WELLNESS AND FITNESS FOR DUTY
Prior to being authorized to return to duty, an involved officer will meet with a psychologist or psychiatrist to ensure the officer is ready to return to work. This is not a fitness for duty exam. Communications between the psychologist or psychiatrist and the involved officer are privileged and will not be divulged other than to notify the City whether or not the officer is ready to return to full duty.

A fitness for duty exam may also be required before the involved officer is authorized to return to full duty. A psychological fitness for duty exam is a formal, specialized examination, generally

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conducted in accordance International Association of Chiefs of Police (ICAP) protocols. A fitness for duty exam may be required when there is:

(a) Objective evidence that the employee may be unable to safely or effectively perform a defined job and,

(b) A reasonable basis for believing that the cause may be attributable to a psychological condition or impairment.

The purpose of a fitness for duty exam is to determine whether the employee is able to safely and effectively perform his or her essential job functions. The examiner provides a written report to the Department that describes the methods employed, and whenever possible, a clearly articulated opinion that the examinee is presently fit or unfit for unrestricted duty.

310.8.3 FIREARMS TRAINING

If the officer has been issued a replacement firearm, the officer will complete a training session at the range with an instructor in order to ensure familiarization and that the replacement weapon is in good working order.

If the involved firearm is cleared to be released back to the officer for duty purposes, the involved officer will ensure the weapon has been function-tested at the range prior to carrying it.

310.9 TACTICAL DEBRIEF

A tactical debriefing should take place to identify any training, equipment or areas of policy that need improvement. The Chief of Police should identify the appropriate participants.

310.10 TRIBAL NOTIFICATION

If the person against whom deadly force is used is believed to be a member of a federally recognized tribe, the Department will notify the governor's office of Indian affairs (GOIA) in accordance with RCW 10.114.021.

310.11 SELF-DEPLOYMENT

After the initial response to and stabilization of the scene of a use of deadly force by a member of this Department, employees shall not self-deploy or engage in investigative activities, including database searches, without authorization from the IIT commander. See Policy Manual 352.1.1 SELF-DEPLOYMENT.

310.12 NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES

RCW 10.114.011 established an independent investigation requirement when an officer uses deadly force that results in death, substantial bodily harm, or great bodily harm. The criteria for an independent investigation, as established by WAC 139-12, requires that at least two non-law enforcement community representatives be assigned to the IIT.

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310.12.1 COMMUNITY REPRESENTATIVE SELECTION

The chiefs and sheriff who participate in the regional IIT team shall create a roster of individuals willing to serve in the capacity of a community representative. These community representatives must have credibility with, and ties to, communities impacted by police use of deadly force.

When a member of this department uses deadly force that results in death, substantial bodily harm, or great bodily harm to another, the Chief will select two non-law enforcement community representatives from the established roster to participate on the IIT for that investigation. The names of the non-law enforcement community representatives on the IIT will be available to the public.

Each non-law enforcement community representatives must sign a binding confidentiality agreement at the beginning of each investigation in accordance with WAC 139-12. The binding confidentiality agreement remains in effect until the Prosecutor either declines to file charges or the criminal case is concluded.

310.12.2 COMMUNITY REPRESENTATIVE DUTIES

Non-law enforcement community representatives on the IIT will:

(a) Participate in the interviewing and selection of IIT investigators.

(b) Review investigator “conflict-of-interest statements” submitted within seventy-two hours of the commencement of each investigation.

(c) Be present at briefings provided to the Chief by the IIT.

(d) Have access to the investigation file when it is completed.

(e) Be provided a copy of all press releases and communication to the media prior to release.

(f) Review notification of equipment use of the involved agency.

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Firearms

311.1 PURPOSE AND SCOPE

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

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

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

311.2 POLICY

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

311.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

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

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Captain including but not limited to:

(a) Edged weapons.

(b) Chemical or electronic weapons.

(c) Impact weapons.

(d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by department policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

311.3.1 HANDGUNS

The department issued handgun is the Smith and Wesson M&P chambered in 9mm and .45 ACP caliber.

311.3.2 SHOTGUNS

The Department does not currently issue shotguns for general duty. The Department maintains shotguns specifically designated for use with kinetic energy projectiles. These shotguns are specially marked in a manner that makes them readily identifiable as such.

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311.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

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

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

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

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

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, and the fire selector switch is in the safe position.

311.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

311.3.5 AUTHORIZED SECONDARY / BACK-UP HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and approved by the Department.

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

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

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

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

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

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

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

311.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of Department-owned 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). Sworn officers who choose to off-duty concealed carry either:

- A Department owned firearm, or
- A firearm based soley on their authority as a peace officer (no concealed pistol license),

will be required to meet the following guidelines:

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

(b) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

(d) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(e) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(f) The member will successfully qualify with the firearm prior to it being carried.

(g) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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(h) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(i) Members shall only carry department-authorized ammunition.

(j) When armed, officers shall carry their Bremerton Police Department identification cards under circumstances requiring possession of such identification.

311.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition once each calendar year. Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Uniformed Officers will carry on their duty belt a minimum of two full reloads for their firearm. Plain clothes officers will carry a minimum of one full reload for their duty firearm on their person.

311.4 EQUIPMENT

Each employee is responsible for the care and cleaning of their weapons and will, at all times, maintain the weapon in a clean and serviceable manner, whether Department-owned or personally owned.

311.4.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

Modifications which remove or disable any factory installed safety device or which changes standard trigger pull weights as specified by the manufacturer will not be authorized.

The following modifications will generally be authorized:

(a) Non-factory sights, such as high visibility or night-sights.

(b) Grips or grip adapters which do not affect the operation of the weapon.

(c) After-market recoil guide rods and guide rod springs.

(d) After-market triggers which comply with factory trigger pull weight specifications.

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(e) Aesthetic modifications, such as slide or frame refinishing, which do not affect the safety or operation of the firearm.

311.4.2 HOLSTERS

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

311.4.3 TACTICAL LIGHTS

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

311.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Laser or optic sight installation must not obscure installed iron sights.

Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

311.5 SAFE HANDLING, INSPECTION AND STORAGE

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

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

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

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

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location.

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

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

311.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Handguns may be safely stored in locked lockers at the end of the shift and may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the Armory.

311.5.2 STORAGE AT HOME

Members 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, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

311.5.3 ALCOHOL AND DRUGS

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

311.5.4 REPORTING LOSS OR THEFT OF FIREARM

Employees shall immediately report the loss or theft of any Department or personally owned firearm (used on or off duty) to the Chief of Police through the Chain of Command. The report will be in writing and will detail all the facts concerning the incident.

311.6 FIREARMS TRAINING AND QUALIFICATIONS

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

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At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

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

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

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

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

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

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

If a range instructor recognizes an officer is experiencing equipment or mechanical problems during a qualification, the officer will be allowed to re-qualify once the situation is rectified.

The range instructors will score a qualification attempt as a failure if an officer displays poor marksmanship, commits serious safety violations or displays an inability to operate all of the weapon's controls. All qualification attempts, pass or fail, will be documented.

The range instructor's determination will be final for that qualification on all issues of safety. Grounds for disqualification based on safety violations include but are not limited to:

- Pointing a firearm at another person or self ("lasing").
- Accidental discharge.

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Use of Deadly Force and In-Custody Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

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

311.7.2 INJURED ANIMALS
With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Humane Society/Animal Control shall be called to deal with domesticated animals and/or pets.

311.7.3 WARNING AND OTHER SHOTS
Warning shots are generally prohibited, except in certain extreme situations. Officers electing to fire a warning shot must be fully prepared to justify this extreme action.

311.8 RANGEMASTER DUTIES
The Rangemaster and assigned range instructors will provide general supervision of range qualifications. All members attending will follow the directions of the Rangemaster and instructors with regards to the course of fire and safety. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Operations Lieutenant after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

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

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Operations Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved

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by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Operations Lieutenant.

311.9 FLYING WHILE ARMED

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

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

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

(c) The Bremerton Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Bremerton Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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

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

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

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

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

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

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

311.10 CARRYING FIREARMS OUT OF STATE

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

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

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

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

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

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

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

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Range Facilities

312.1 PURPOSE AND SCOPE

The Bremerton Police Department operates a firearms range for the purpose of training sworn officers and maintaining proficiency in the use of firearms and tactics. This policy provides rules and procedures for the safe use, operation and maintenance of the range.

312.2 USE OF THE DEPARTMENT RANGE

Use of the Department range shall be limited to the sworn personnel of the Bremerton Police Department unless authorized by the Rangemaster or a member of the command staff. Civilians are generally not allowed at the range, with the exception of certain department-sanctioned events, or other situations on a case-by-case basis, approved by the Rangemaster or a member of the command staff. These situations require a liability waiver be signed by each civilian attendee.

The Department may allow, lease or otherwise enter into agreements with any federal, state, county, or municipal law enforcement agency for use of the range facilities. Access to the range can be granted after approval by the Rangemaster or a member of the command staff. A key to the range shall be signed for, after checking the range schedule to avoid any conflicts, for those who do not have an assigned range key.

Bremerton Police Officers may use the range while off-duty and outside of scheduled qualifications after receiving authorization from the Rangemaster or a member of the command staff, checking the range schedule for conflicts, and signing a liability waiver. Such use will be voluntary and on the officer's own time. Bremerton Police Officers may also allow their immediate, adult family members to utilize the range during these times of off-duty use, as long as the officer remains present. A liability waiver, signed by the adult, family member, prior to their range use, is required.

312.3 SAFETY RULES

(a) There shall be no firing on the range unless two persons are present.

(b) Juveniles shall not handle firearms at the range.

(c) All persons shall wear eye protection and double hearing protection at all times while shooting is in progress.

(d) All persons shall wear body armor at all times while shooting is in progress.

(e) No loaded firearms shall be unholstered except on the designated firing line or clearing barrel.

(f) Firearms shall remain pointed down range at all times when unholstered unless during department training, under the direct supervision of an instructor.

(g) No officer shall fire from a point beyond the firing line except during supervised department shooting.

(h) No alcoholic beverages shall be allowed on the range.

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(i) No person may be on the range property if they are under the influence of drugs and/or alcohol.

(j) Persons firing shall load and unload their weapons in a safe manner with the weapon pointed downrange or into a clearing barrel.

(k) All persons on the range will demonstrate strict range discipline, conducting themselves in a professional manner and adhering to all posted range and firearm safety rules.

(l) No person will discharge a weapon at such an angle or manner so as to allow the projectile to leave the range.

312.4 GENERAL RULES

(a) When not in use, the range gate, buildings and storage facilities will be locked.

(b) Any damage or malfunction of range equipment shall be reported immediately to the Department.

(c) All range regulations shall be complied with at all times.

(d) No fires will be allowed outside of the range stove.

(e) Upon completion of any session, all targets and materials shall be returned to their proper storage locations.

(f) Firearms shall be cleaned in designated areas. Cleaning equipment shall be returned to its storage location after use and the cleaning area left clean and orderly.

(g) Officers are responsible for securing the range when they are finished.

(h) Any injury incurred while using the range shall immediately be reported to the Department.

(i) The range shall be cleaned and made secure upon leaving.

(j) Any unusual activities or incidents must be reported immediately.

(k) Firearms will not be discharged between the hours of 2200 and 0800.

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Vehicle Pursuits

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines in the initiation, conduct, and termination of vehicle pursuits.

313.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway or turning suddenly.

313.1.2 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).

313.1.3 FAILING TO YIELD

Refers to a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward, at or below the speed limit, observes rules of the road critical to public safety and does not change the direction of travel in an evasive manner. When an officer attempts to stop a vehicle and the violator begins to increase speed, disregard the rules of the road or drive in an evasive manner, the officer should discontinue following the vehicle unless a pursuit would be authorized under this policy.

313.1.4 FELONY CRIME OF VIOLENCE

For the purpose of this policy, felony crimes of violence include:

(a) Murder 1 – RCW 9A.32.030

(b) Murder 2 – RCW 9A.32.040

(c) Assault 1 - RCW 9A.36.011

(d) Drive-by Shooting – RCW 9A.36.045

(e) Kidnapping 1 – RCW 9A.40.020

(f) Rape 1 – RCW 9A.44.040

(g) Rape 2 – RCW 9A.44.050 (by forcible compulsion)

(h) Rape of a Child 1 - RCW 9A.44.073

(i) Arson 1 – RCW 9A.48.020 (to an occupied building)

(j) Burglary 1 – RCW 9A.52.020

(k) Robbery 1 – RCW 9A.56.200

(l) Malicious Placement of an Explosive – RCW 70.74.270

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The fact that an officer had to move from the path of a fleeing vehicle does not, by itself, constitute an assault or attempted murder for the purposes of this policy.

313.2 POLICY

It shall be the policy of this department that a 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.

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.

Officers may engage in vehicular pursuits only when:

(a) The initiating officer reasonably believes and can articulate that the violator has committed, or attempted to commit, a felony crime of violence, or,

(b) The officer observed such a degree of hazardous driving by the offender, prior to police involvement, that the offender will likely cause death or serious bodily harm to another person if not stopped.

313.2.1 PURSUIT FACTORS

The following factors individually and collectively shall be considered in deciding whether to initiate, continue or discontinue pursuit:

(a) Seriousness of the crime and its relationship to community safety.

(b) Focusing on the importance of protecting the public when balancing the need for immediate capture against the risks created by the pursuit.

(c) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.

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

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

(f) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(g) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Vehicle speeds.

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

(j) Pursuits should not be undertaken by a police vehicle carrying passengers other than police officers.

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313.2.2 WHEN TO TERMINATE A PURSUIT

Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. Pursuits should be discontinued whenever the risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

Officers and supervisors shall terminate the pursuit when pursuit speeds or evasive maneuvers become unreasonably unsafe for the surrounding conditions, exceed the driving ability of the officer or are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

When the pursuing officer or a supervisor decides to terminate a pursuit, the decision/order to terminate the pursuit should be broadcast by the officer making the decision. All officers shall acknowledge the order to terminate the pursuit.

Officers should, as soon as is practicable and when safe to do so, turn off their emergency equipment and resume normal driving, obeying all rules of the road and traffic control devices.

Officers shall avoid driving in such a manner that might cause the suspect to believe he or she is still being pursued or followed. When practical and safe the officer will make a turn off of the pursuit path and no longer follow the suspect vehicle in an effort to break the line of sight with the suspect vehicle and encourage the suspect to slow their escape.

Terminating the pursuit does not mean the officer stops apprehension efforts; rather, the officer should employ other tactics or resources to bring about the apprehension. Supervisors should meet with officers and immediately begin to assist with an investigation with the intent of identifying and prosecuting the violator.

313.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles. An officer or supervisor may request additional units to join a pursuit if 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 remain alert to its progress and location.

313.3.1 MOTORCYCLE OFFICERS

A patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

313.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

The exemptions provided by RCW 46.61.035 do not apply to officers using vehicles without emergency equipment. Vehicles not equipped with emergency lights and sirens are prohibited from participating in any pursuit.

313.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit. The primary officer initiating the pursuit will notify CENCOM that a

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vehicle pursuit has been initiated and, as soon as practical, provide information including, but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants.

(f) The identity or description of the known occupants.

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

Whenever possible, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit in order to concentrate on pursuit driving.

The primary unit should not hesitate to terminate the pursuit if it is unjustified to continue the pursuit under the guidelines of this policy.

313.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit should immediately notify the dispatcher of entry into the pursuit and begin broadcasting the progress of the pursuit unless the situation indicates otherwise. The secondary officer should remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit. The secondary unit should call for termination of the pursuit if it is unjustified to continue the pursuit under the guidelines of this policy

313.3.5 PURSUIT DRIVING TACTICS

Officers, considering their driving skills and vehicle performance capabilities, will maintain control of their vehicles at all times and 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. Officers will not follow so closely that adequate reaction and braking time are insufficient to prevent collision.

Because intersections can present increased risks, Pursuing units should exercise due caution when proceeding through controlled intersections.

Officers will not pursue a vehicle driving left of center (wrong way) on a freeway or roadway. In the event the pursued vehicle does so, pursuing officers should parallel it on the correct side of the roadway.

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.

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313.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
Officers are authorized to use emergency equipment along the pursuit path to clear intersections of vehicular and pedestrian traffic. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel attempting to get to an advantageous position to deploy tire deflation devices or who are needed at the termination of the pursuit should respond with due care and caution.

313.4 SUPERVISORY RESPONSIBILITY

Supervisors will take affirmative steps to exercise control over all motor vehicle pursuits involving officers from this department, from initiation to termination. The supervisor of the officer initiating the pursuit will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notify CENCOM that they are aware of the pursuit initiation.

(b) As soon as possible, establish radio contact with the pursuing officers and gather reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This includes obtaining information regarding speed, location, direction of travel, conditions and suspected crime.

(c) Continuously evaluate the situation in order to determine whether the pursuit is being conducted within established department guidelines.

(d) Terminate the pursuit if it is unjustified to continue the pursuit under the guidelines of this policy.

(e) Proceed to the termination point to provide guidance and necessary supervision.

(f) Collect relevant reports, records, and radio tapes for the review process and the criminal investigation against the violator.

(g) Review all reports of pursuits and attempts to elude for content, compliance with policy, and training issues.

(h) Collect all pursuit related reports and recordings and forward to the Division Lieutenant.

313.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should switch radio communications, to the designated channel per the dispatchers instructions.

313.6 INTER-JURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided by CenCom to each outside

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jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

313.6.1 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 Bremerton Police Department is no longer needed.

313.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION
The agency that initiates a pursuit shall be responsible for conducting the pursuit. Notification of a pursuit in progress should not be construed as a request for Bremerton officers to join the pursuit. Units from this department should not join a pursuit unless they have been specifically requested to do so by the agency whose officers are in pursuit and they have a BPD supervisor's approval. The supervisor may decline to assist in another agency's pursuit.

Officers from this department will not directly participate in another agency's pursuit unless the pursuit would be authorized under this policy. Officers may, however, monitor the pursuit's progress, coordinate with the pursuing agency to deploy tire deflation devices and proceed to the termination point to provide assistance in accordance with Policy 316 – Response to Calls.

313.7 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, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

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

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

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

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

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

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Spikes or Tack Strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

313.7.3 USE OF FIREARMS

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

313.7.4 INTERVENTION STANDARDS

Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure. At speeds in excess of 40 miles per hour, the Pursuit Intervention Technique may only be performed with a supervisor's approval and only upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. This includes when the suspect is driving with such willful or wanton disregard for the safety of other persons that they are likely to cause great bodily harm or death to innocent persons if not immediately stopped.

The use of boxing may be used to control a disabled driver's actions at very low speeds. Supervisory approval should be obtained prior to any attempt to box in a suspect vehicle if practicable. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

The use of spike strips should be deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. Only officers who have been trained in the deployment of the spikes are authorized to use them. Deployment of road spikes shall be in accordance with Department training.

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

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313.7.5 CAPTURE OF SUSPECTS

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

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

313.8 REPORTING REQUIREMENTS

The involved officers and the supervisor will complete appropriate crime/arrest reports which should contain the following information:

(a) Initial reason for pursuit.

(b) The conditions of the pursuit, including time of day, weather conditions, traffic.

(c) Duration and length of pursuit.

(d) Speeds.

(e) Path of the pursuit.

(f) How the pursuit was terminated.

(g) Whether the pursuit resulted in a collision.

(h) Any injuries or property damage.

(i) Medical treatment.

(j) Disposition: arrest, citation, etc.

313.8.1 PURSUIT TRAINING

In addition to initial CJTC training on pursuits, all sworn members of this department will receive annual training on this policy.

313.8.2 PURSUIT REVIEW

The Operations Division command staff will evaluate all pursuits and failure to yield incidents. Following the review, the Operations Division Captain will:

(a) File the pursuit as no action required, or

(b) Recommend training for involved officers, and/or

(c) Recommend discipline for policy violations to the Chief of Police.

A separate file of all pursuit incidents shall be maintained. The Operations Division command staff will conduct an annual review and analysis of all pursuits, with a summary report of the findings forwarded to the Chief of Police.

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Officer Response to Calls

315.1 PURPOSE AND SCOPE

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

315.1.1 POLICY

Officers responding to routine calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

Officers dispatched to emergency calls shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (RCW 46.61.035).

Responding with emergency lights and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without emergency lights and siren does not provide any exemption from the law (RCW 61.61.035; WAC 204-21-130).

315.2 EMERGENCY RESPONSE TO CALLS

Officers should only use emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. These circumstances include:

(a) There is a threat of serious injury to an officer.

(b) An officer is in actual pursuit.

(c) There is imminent danger to a citizen and the immediate presence of an officer might save lives or prevent serious injury.

(d) When an officer requires immediate assistance to control a volatile situation.

(e) Where there is reliable information regarding a felony in-progress situation.

(f) An officer's attempt to overtake traffic violators.

315.2.1 URGENT RESPONSE TO CALLS

An urgent response may be used for those situations which do not warrant an emergency response but to which a quick response would likely enhance the welfare of citizens, the protection of personal property and the apprehension of criminal suspects. This response allows for the use of emergency equipment, when necessary, to improve the response time provided that officers exercise due regard for the safety of all persons as required under Washington State Law. This includes using emergency equipment to take the right-of-way at intersections or to clear traffic from the path of travel when necessary to ensure safe passage. The responding officer's speed will remain close to or at the speed limit.

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315.3 REQUESTING EMERGENCY ASSISTANCE

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 Kitsap 911.

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.

315.3.1 EMERGENCY RESPONSE TO FIRE SERVICE PERSONNEL REQUESTS

CENCOM and the Fire Department have developed plain English codes to alert dispatch when they are unable to speak freely and need law enforcement assistance. Law enforcement personnel should be familiar with the following terms and the expected response:

(a) CODE BLUE: A request for immediate law enforcement response to a Fire call involving a hostile, life threatening situation. The fire dispatcher will immediately make a law enforcement "HELP" event for the location of the fire service personnel using "CODE Blue".

(b) BACKUP: Used when Fire service personnel do NOT need a law enforcement "HELP" response but need a priority law enforcement response and can NOT speak freely.

(c) ASSISTANCE: A request for law enforcement assistance using a routine response.

Responding officers should note that the dispatcher will not attempt to obtain further information in Code Blue or Back-up request. Fire personnel on scene will provide details of the situation as soon as can be done safely.

315.4 INITIATING EMERGENCY RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall notify Kitsap 911 as soon as reasonably possible.

315.5 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. When confronted with traffic congestion, the officer will reduce the speed of the police vehicle to such a degree that they maintain complete control of the vehicle. Police vehicles using emergency lights and siren will not proceed through an intersection without slowing or stopping and the officer is sure that all traffic has yielded the right of way to the police vehicle.

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If the roadway conditions or traffic congestion does not permit an emergency response without unreasonable risk, the officer may elect to respond at a speed appropriate for conditions or may respond without the use of lights and siren at the legal speed limit. In such an event, the officer should immediately notify CENCOM. An officer shall also discontinue the emergency response when directed by a supervisor.

Officers will not operate their vehicle in a careless or negligent manner which prevents timely response or renders their vehicle unserviceable, whether due to collisions or other causes.

315.6 OFFICER RESPONSIBILITIES

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

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

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

315.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and respond accordingly. In all cases, the officer shall notify the supervisor, or Kitsap 911 of the equipment failure so that another unit may be assigned to the emergency response.

315.8 EMERGENCY VEHICLE ESCORTS PROHIBITED

Officers are prohibited from using a siren or driving in excess of the posted speed limit as an escort of any vehicle, except when the escort or conveyance is furnished for the preservation of life (e.g. ambulance) or when expediting movements of supplies and personnel for any federal, state, or local governmental agency during a national, state, or local emergency.

315.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the supervisor shall verify that:

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(a) The proper response has been initiated.

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

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

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

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.

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Canines

317.1 PURPOSE AND SCOPE

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

317.2 POLICY

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

317.3 ASSIGNMENT

The watch supervisor assigns canine teams based on the needs of the shift at the time. If staffing allows, canine teams may be assigned as canine units instead of sector units.

317.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

317.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be approved by that unit's supervisor.

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317.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies should be approved by the Shift Sergeant and are subject to the following:

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

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Bremerton unless authorized by the watch supervisor or canine supervisor.

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

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

317.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

317.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officers, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Sergeant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

317.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

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

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

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

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

317.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

317.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever the canine is deployed, a report shall be completed by the handler and turned in to the shift supervisor and canine supervisor before going off-duty. If a bite or injury results from the use of the canine, that information shall be documented on a report and included in the case narrative/ supplemental report.

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

317.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

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

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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317.7.1 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

317.7.2 NARCOTICS DETECTION
A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

317.7.3 BOMB/EXPLOSIVE DETECTION
Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

317.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) Living within 30 minutes travel time from the Bremerton City limits.

(d) Agreeing to be assigned to the position for a minimum of three years.

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317.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(e) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(f) 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.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Sergeant.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Sergeant.

(i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

317.9.1 CANINE IN PUBLIC AREAS

Canines must always be under the handler's immediate control or safely locked in a kennel. The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

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

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

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317.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. Records of medical treatment shall be maintained in the handler's canine file.

317.11 TRAINING AND CERTIFICATION

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current CJTC standards (WAC 139-05-915).

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Sergeant.

317.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current CJTC standards or other recognized and approved certification standards on an annual basis. Canine teams shall participate in regular refresher training. Following initial training and accreditation, it shall be the handler's responsibility to ensure training takes place. The handler may request assistance from the canine supervisor if training is believed to be inadequate. Canine handlers are encouraged to engage in additional training as frequently as possible with approval of the canine supervisor. All canine training shall be conducted while on-duty unless otherwise approved by the Department.

317.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved.

317.11.3 TRAINING RECORDS

A record for each canine that includes training, performance and identification records, and that meets CJTC requirements, shall be created and maintained in the canine handler's and the canine's training file.

317.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes

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must comply with federal and state requirements. Alternatively, the Bremerton Police Department may work with outside trainers with the applicable licenses or permits.

317.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws. (21 USC § 823(f); RCW 69.50.302; RCW 69.50.508; WAC 246-887-200).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Bremerton Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

317.11.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Property and Evidence Technicians with a copy forwarded to the Support Services Lieutenant.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

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

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(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.

317.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; RCW 70.74.191(4)).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

319.1 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.

319.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

319.2 POLICY

The Bremerton 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.

319.3 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.

319.4 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.

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

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

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

1. Officers who have probable cause that a crime has been committed shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offense. Officers shall also seize all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030).

2. Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).

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

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

1. Whether the suspect lives on the premises with the victim.

2. Claims by the suspect that the victim provoked or perpetuated the violence.

3. The potential financial or child custody consequences of arrest.

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4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

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

319.4.1 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.

319.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

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

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

319.4.3 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.

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319.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

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

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

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

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

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

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

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

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

319.6 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.

319.6.1 CANADIAN COURT ORDERS

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

319.7 VERIFICATION OF COURT ORDERS

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

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

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

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(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.

319.8 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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

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

319.9 REPORTS AND RECORDS

(a) Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(2)(b)).

1. The report shall include all information about firearms and concealed pistol licenses and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms (RCW 10.99.030).

(b) All such reports should be documented under the appropriate crime classification and should use the distinction “Domestic Violence” in the Type of Crime box of the crime report form (RCW 10.99.035).

(c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the General Investigations Supervisor shall ensure that all domestic violence crime reports are forwarded to the Prosecutor’s Office within 10 days of the date the incident was reported (RCW 10.99.035).

(d) The Records Supervisor shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law (RCW 10.99.035).

(e) The Records Supervisor should ensure that the original receipt issued for any firearm, dangerous weapon, or pistol license surrendered after service of a protection order

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is filed with the court within 24 hours of service of the order and retain a copy of the receipt electronically if available (RCW 9.41.801).

319.10 COURT ORDERS

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

319.11 SERVICE OF COURT ORDERS

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

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

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

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

(c) Issue a receipt for any surrendered items.

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

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

319.12 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause regarding the surrender of weapons, the General Investigations Unit supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 9.41.801):

(a) Fulfilling any additional service requirements for the order to show cause.

(b) Providing the court a complete list of firearms and other dangerous weapons surrendered by the person pursuant to the court order that are in the possession of the Department.

(c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the court order and that the agency with authority to revoke the license has been notified.

(d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the court order is not in full compliance with the terms, including the basis for the belief.

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Search and Seizure

321.1 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 Bremerton Police Department personnel to consider when dealing with search and seizure issues.

321.2 POLICY

It is the policy of the Bremerton 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.

321.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required 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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321.3.1 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 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 exists (RCW 9.73.260).

321.4 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 shall be carried out with due regard and respect for private property interests and in a manner that minimizes damage.

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

(e) Whenever practical, a search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down of an individual of the opposite sex as the searching officer.

(f) To the extent possible, officers conducting searches incident to an arrest should have a witness officer present for the search.

321.5 CONSENSUAL SEARCHES

(a) When an officer believes the search of a specific person, area, vehicle, etc. is appropriate but probable cause to obtain a search warrant does not exist, the officer may choose to request a voluntary consent to search. The consent may be verbal or written.

(b) No consensual search will be conducted without a second officer's presence to act as a witness and to provide security for the officer conducting the search.

(c) If attempting to search a residence, “Ferrier” warnings must be given to the occupant(s).

(d) The voluntary nature of a person's consent to search is based on the totality of the circumstances at the time of the request.

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(e) A search based on voluntary consent will immediately cease if the consent is withdrawn. Evidentiary items discovered during the search, but before the withdrawal of consent, should be seized.

(f) While searching, officers shall ensure that the physical proximity of the person granting permission does not deny him or her the opportunity to request the search to cease or to redefine limitations of the search.

(g) Third-party consents are valid under certain conditions.

1. Landlords cannot give consent to search if a lease or rental agreement is still valid.
2. Parents may consent to search a child's living area if the parents have routine access to the area (if the child is not paying rent).
3. A consent to search is not allowed if one cohabitant or owner objects to the consent, even if the other person gives permission. Consent must be provided by both people, if present.
4. Consent is valid if the third person has equal authority over the location to be searched (e.g. business, residence, vehicle), and it can be concluded the absent person assumed the risk the cohabitant might permit a search.

321.6 OBTAINING AND EXECUTING SEARCH WARRANTS

321.6.1 OBTAINING A SEARCH WARRANT

(a) An officer or detective will immediately contact a supervisor when he/she becomes aware of the need to apply for a search warrant to lawfully search an area. Upon supervisory approval for a search warrant, the appropriate prosecuting attorney's office will be contacted and provided the necessary information. There are exceptions to this rule (Certain detectives are authorized to contact a judge directly, without prosecutor review).

(b) If an officer or detective is the affiant for the search warrant, he/she will be certain that the information given is true and correct to the best of their knowledge and belief.

(c) Personnel will always act within the scope and intent of Washington law when applying for, or executing, a search warrant.

321.6.2 COPIES OF AFFIDAVIT AND SEARCH WARRANT

(a) Make sufficient copies of the affidavit and search warrant to satisfy the needs of the issuing court, prosecuting attorney's office, the investigator, and copies of the warrant to be given to the defendant or left in plain view in the area searched.

(b) Do not give to the defendant, or leave at the scene of a search, a copy of the affidavit.

(c) Leave a copy of the document titled "Search Warrant" at the scene. The original of the "Search Warrant" must be returned to the issuing court upon completion of the search.

(d) Upon completion of the search, an inventory will be made of all items seized and shall be recorded on the return portion of the warrant.

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(e) A complete inventory and listing of seized evidence will be provided to the person from whom it was taken, or left in the location where the property was taken.

321.6.3 EXECUTION OF SEARCH WARRANTS

(a) A supervisor will direct and oversee the execution of the warrant.

(b) Before the search, take photographs and or video of the place or item to be searched.

(c) When searching buildings, a sketch of building's layout is required. The sketch will include the identification and or labeling of the various rooms in the building (e.g. "Room A – living room", "Room B – bedroom #1"). The sketch will aid in documenting specific information related to where evidence was located and by whom.

(d) Two or more investigators shall be present during the execution of any search warrant. Supervisors can approve exceptions to this rule. (e.g. The forensic examination of a computer or cell phone pursuant to a search warrant; reviewing cellular telephone records pursuant to a search warrant.)

(e) Property or evidence to be seized, whether it be property seized under the scope of the warrant or is seized under the plain view doctrine, will be photographed in place.

(f) In certain instances, evidence or contraband located in plain view during a lawful search may be seized. However, if seizing such evidence or contraband creates the need for an additional search, outside the scope of the warrant, the appropriate prosecuting attorney's office must be contacted immediately for the preparation of an additional warrant or warrant expansion. If this occurs, the supervisor should be notified immediately. There are exceptions to this rule (Certain detectives are authorized to contact a judge directly, without prosecutor review).

(g) Should any currency be found during the search, the officer locating the currency shall leave it in its original location and immediately notify a supervisor to come to his/her location. Photographs will be taken of the money in place and then collected. If the money is going to be seized as evidence, or pursuant to civil forfeiture action, the funds will be counted and placed into an evidence bag. The evidence bag will be sealed at the scene and the seal initialed by both the finder and the supervisor. Exceptions to this rule requires command staff approval.

(h) The search will be systematic and professional. Officers and detectives will ensure no unnecessary damage is done to a person's property during a search warrant execution.

(i) The search will remain within the scope and direction of the warrant. (e.g. If the warrant directs you to search for a motorcycle; you have no cause to go through drawers during your search.)

321.6.4 SEARCH WARRANT RECEIPT FOR PROPERTY TAKEN AND INVENTORY AND RETURNS

(a) A complete listing of all property seized, as well as the location where each item was taken, will be recorded on evidence sheets and or on receipts and inventory and returns. The officer locating each piece of evidence will document and include that information in their case report.

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(b) Washington State law requires that a search warrant be executed, and a return made to the issuing court within ten (10) days from the date of issuance. Returns will be made at least by the next judicial day following the search when at all possible.

(c) Before closing out a search warrant, a supervisor will review the receipt and inventory, correct any errors and ensure completeness.

(d) A witness will sign the receipt and inventory, but not before verifying the items that were taken as evidence pursuant to the warrant.

(e) Any search warrant not served or executed shall be returned to the appropriate court.

321.7 CURRENCY AND/OR VALUABLES

A supervisor shall be notified and immediately respond when currency, valuables, or something likely to contain currency or valuables (safe/lockbox, etc.) is discovered. A supervisor will remain present while the item is searched, and any evidence is seized. Currency found during a search should be counted, if practicable, in front of the suspect.

321.8 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
- 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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Juvenile Operations

322.1 POLICY

The purpose of this policy is to establish guidelines and procedures for handling incidents involving juveniles.

322.2 RELEASE OF JUVENILES

In considering the release of juveniles, officers will determine the facts of the case, obtain all the information necessary for the report and will see that the juvenile can be released to the proper persons. If the parent/guardian cannot be located or respond, the juvenile will be released at the discretion of the shift supervisor to some other responsible adult or relative, or released pending later notification to the parent/guardian.

322.3 CASE REFERRAL

Where there is probable cause to believe a juvenile has committed a felony, the investigating officer will submit reports that articulate all the facts and elements that support the charge. The General Investigations Supervisor will ensure the case is complete. He/she will forward the case to the Kitsap County Prosecutor's Office for disposition.

All misdemeanor cases shall be submitted to the Kitsap County Prosecutor's Office for disposition after being reviewed by the officer's supervisor. The General Investigations supervisor shall be responsible to see that these reports are sent to the Prosecutor's Office immediately for referral to intake.

322.4 ARREST / INTERVIEW OF JUVENILES

When a juvenile is arrested and/or taken into custody, Washington State Court Rules require the advisement of rights whether there is questioning or not. The juvenile should be advised of their constitutional rights immediately, using the same rights card or form as an adult. Additionally, the juvenile rights warning will be included in the advisement.

For juveniles between eight and twelve years of age, it is recommended that a parent be notified of the custodial situation or arrest. It is advisable to obtain permission from a parent prior to interviewing the juvenile. Juveniles over 12 years of age may be interviewed without permission from parent.

Officers will notify parents of juveniles in custody whenever possible and will always make a notification attempt. During the notification, officers will explain the procedures and processes of the juvenile system as it relates to the juvenile in custody.

322.5 ALCOHOL ENFORCEMENT RELATING TO PERSONS UNDER 21 YEARS OF AGE

(a) Misdemeanor charges will be referred to the Prosecutor's Office when probable cause exists to believe that:

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1. a person under the age of twenty-one years of age is in possession and/or has consumed an alcoholic beverage,
2. a person has furnished a premises for a party or gathering where alcoholic beverages are being served or consumed by persons under the age of twenty-one years other than parents serving to their children.
3. a person is purchasing for, or providing, a minor with alcoholic beverages.

(b) The Washington State Liquor Control Board will be notified of any business establishment that is found serving or selling alcoholic beverages to persons under twenty-one years of age.

(c) In all alcohol-related offenses involving minors, officers should enforce the laws in a consistent manner. The guidelines stated will provide direction to the officer; however, situations may arise where these guidelines will not be practical, causing the officer to depend on his/her own knowledge and judgment to take the appropriate action. If an officer chooses not to take formal action, the reason(s) will be articulated in the incident report.

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Temporary Custody of Juveniles

323.1 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 Bremerton Police Department (34 USC § 11133).

323.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection, or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated RCW 9.41.040(2)(a) by possessing a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

323.2 POLICY

The Bremerton 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 Bremerton Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

323.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Bremerton 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 Bremerton 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.

323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Bremerton Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Bremerton Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

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Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; RCW 13.04.116(b)).

323.4.1 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 Bremerton Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

323.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; RCW 43.185C.260).

323.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Bremerton 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.

323.4.4 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.

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(h) Is a material witness.

323.4.5 VICTIMS OF SEXUAL EXPLOITATION
An officer may take a juvenile into custody to investigate possible sexual exploitation when the officer reasonably believes the juvenile is attempting to engage in sexual conduct for money or anything of value (RCW 43.185C.260).

In these cases, the officer should transport the juvenile to an authorized evaluation and treatment facility in coordination with a community service provider (RCW 43.185C.260) (see the Child Abuse Policy for any mandatory notification requirements).

323.5 ADVISEMENTS

When a juvenile offender is taken into custody, the officer should, as soon as practicable, notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody.

Juveniles taken into custody should be advised the reason for the custody (RCW 43.185C.265).

323.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Bremerton Police Department.

(c) Shift Sergeant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

323.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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In situations where brief or accidental contact may occur (e.g., passing in a hallway), a member of the Bremerton 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.

323.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Bremerton 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 Bremerton Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Bremerton Police Department more than six hours.

(b) Welfare checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

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(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

323.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. 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. 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.

323.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

323.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

323.11 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.

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323.11.1 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) Juveniles shall have constant auditory access to department members.

(b) Initial placement into and removal from a locked enclosure shall be logged.

(c) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(d) Males and females shall not be placed in the same locked room.

(e) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(f) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

323.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Operations Division Captain will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Bremerton Police Department. The procedures will address:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the on-duty supervisor, Chief of Police and General Investigations Unit supervisor.

(c) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Coroner.

(g) Notification of the juvenile court.

(h) Evidence preservation.

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323.13 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.

323.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.

323.15 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.

323.16 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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Adult Abuse

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Bremerton Police Department members as required by law.

325.1.1 POLICY

It is the policy of the Bremerton 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.

325.1.2 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

325.2 POLICY

The Bremerton Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

325.3 MANDATORY NOTIFICATION

Members of the Bremerton Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person (RCW 74.34.035).

For purposes of notification (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:

(a) (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.

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(b) Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.

(c) Has a developmental disability as defined under RCW 71A.10.020.

(d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).

(e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.

(f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

325.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (RCW 74.34.035):

(a) All notification to DSHS shall be made immediately or as soon as practicable by telephone

(b) Information provided shall include, if known:

1. The name and address of the person making the report.
2. The name and address of the vulnerable adult.
3. The name and address of the facility or agency providing care for the vulnerable adult.
4. The name and address of the legal guardian or alternate decision maker.
5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
7. The identity of the alleged perpetrator, if known.
8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect or the cause of death of the deceased vulnerable adult.

325.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

325.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the City prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

325.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult

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to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DSHS.

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

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

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

325.7 INTERVIEWS

325.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

325.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

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

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325.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

325.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

325.9.1 SUPERVISOR RESPONSIBILITIES

The General Investigations Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the General Investigations Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

325.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the General Investigations Unit supervisor so an interagency response can begin.

325.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

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325.10.1 ARREST WITHOUT WARRANT
When an officer has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.50.110).

325.10.2 RECORDS UNIT RESPONSIBILITIES
The Records Unit is responsible for:

(a) Providing a copy of the adult abuse report to DSHS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

325.10.3 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

325.11 TRAINING
The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

327.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

327.2 POLICY

The Bremerton Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

327.3 DEFINITIONS

Definitions related to this policy include:

327.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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327.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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.

327.3.3 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 and Washington State Human Rights Commission guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

327.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

327.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Manager, or the Mayor.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment or discrimination, is

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encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

327.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

327.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

327.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Manager, or the Mayor for further information, direction, or clarification.

327.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

327.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

327.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Manager, or the Mayor.

327.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

327.6 DOCUMENTATION OF COMPLAINTS

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

(a) Approved by the Chief of Police, the Mayor, or the Human Resources Manager, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

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327.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

327.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive periodic training on the requirements of this policy. By acknowledging this policy the member certifies they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Child Abuse

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Bremerton Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

329.1.1 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.

329.2 POLICY

The Bremerton Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

329.3 MANDATORY NOTIFICATION

Members of the Bremerton Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

329.3.1 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.

329.4 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.).

329.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse or neglect, 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 or without consulting the Kitsap County SAU.

(c) Any relevant statements the child may have made and to whom he/she made the statements, when and where the statements were made and the context in which the statements were made.

(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.

The General Investigations Unit shall respond to all cases of the unexplained death of a child and 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).

329.6 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).

329.6.1 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.

329.7 INTERVIEWS

329.7.1 PRELIMINARY INTERVIEWS
When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Child victims should be forensically interviewed by established protocols.

329.7.2 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.

329.7.3 TRAINING REQUIREMENT
Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

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329.8 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.

329.9 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.

329.9.1 SUPERVISOR RESPONSIBILITIES

The General Investigations 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 General Investigations 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.

329.9.2 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 General Investigations Unit Supervisor so an interagency response can begin.

329.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

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329.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

329.10.2 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).

329.10.3 CASE SUBMISSION TO PROSECUTOR

The Bremerton 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.

329.10.4 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).

329.10.5 LOCAL CHILD ABUSE PROTOCOLS

The General Investigations 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.).

329.10.6 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).

329.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Shift Sergeant shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

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Missing Persons

331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

331.1.1 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).

331.2 POLICY

The Bremerton 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 Bremerton Police Department gives missing person cases priority over

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property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The General Investigations Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (RCW 43.43.876)
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

331.4 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.

331.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).

1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases, or WSP shall not be released except by court order.
3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

331.6 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.

331.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not be limited to:

(a) Reviewing and approving missing person reports upon receipt.

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1. The reports should be promptly sent to the Records Unit.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

331.6.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the General Investigations Unit.

(e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

331.7 GENERAL INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

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(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

331.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED

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

(a) File a missing person's report with MUPU.

(b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.

(c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.

1. Whenever possible, obtain diagnostic quality copies or original records of the missing person’s dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

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In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

331.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to MUPU.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

331.8.1 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.

331.9 CASE CLOSURE

The General Investigations 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 Bremerton or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

331.10 TRAINING

Subject to available resources, the Operations Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

333.1 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.

333.2 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.

333.3 RESPONSIBILITIES

333.3.1 MEMBER RESPONSIBILITIES

Members of the Bremerton Police Department should notify their supervisor, Shift Sergeant or General Investigations 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.

333.3.2 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 Division Captain 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 Division Captain

333.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police should designate a public alert reporting officer, who is responsible for:

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Being the point of contact with the Washington AMBER Alert Advisory Committee.

(c) Ensuring the Department has members who have completed the appropriate training.

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333.4 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 Bremerton 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.

333.4.1 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.

333.4.2 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 contact the Washington State Patrol (WSP) to initiate activation of the AMBER Alert.

333.4.3 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.

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(b) Promptly notify the Chief of Police and the appropriate Division Captain 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.

333.4.4 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.

333.5 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 Washington State Master Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

333.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

(a) The person is missing under unexplained, involuntary or suspicious circumstances.

(b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).

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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.

333.5.2 PROCEDURE

(a) Should the supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the supervisor should:

(b) Ensure that department protocol is followed regarding approval of the alert.

(c) Ensure all appropriate documentation is completed.

(d) Contact the WSP Communication Center for entry into LEAP.

(e) 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).

(f) Notify CenCom of the advisory and ensure that it is prepared to handle a high volume of telephone calls.

(g) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.

(h) Direct the Records Unit to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).

(i) Appoint a Press Information Officer to handle the media.

1. The Press Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.

2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.

i. The Records Unit personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

333.6 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 Bremerton 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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333.6.1 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.

333.6.2 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) Direct Records Unit personnel to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.

(b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.

(c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.

(d) Appoint a Public Information Officer to issue press releases and handle media inquiries.

1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.

(e) Advise Kitsap 911 of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.

(f) Ensure that a press release is issued cancelling the Blue Alert.

333.7 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

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(d) The National Oceanic Atmospheric Administration (NOAA)

1. Will relay AMBER Alerts over Weather Radio

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Victim Witness Assistance

335.1 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.

335.2 POLICY

The Bremerton Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Bremerton 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.

335.3 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 Bremerton 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.

335.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison should:

(a) Ensure that the Department affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020; RCW 70.125.110).

(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.

335.4 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.

335.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030).

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335.5 VICTIM INFORMATION

The Support Services Division Captain shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; RCW 70.125.110).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U-Visa and T-Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number, and any applicable case or incident number.

(j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).

(k) The name, address, and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.

(l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when an officer does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030).

(m) Information about the address confidentiality program (RCW 40.24.030).

335.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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335.7 WITNESS INFORMATION

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Support Services Lieutenant 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

337.1 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.

337.1.1 POLICY

It is the policy of the Bremerton Police Department that criminal offenses motivated by hatred or prejudice will be viewed as serious, and the investigations will be given priority attention. The proper investigation of such crime is the responsibility of all Bremerton Police officers, who must be sensitive to community feelings, needs, and fears resulting from incidents of this nature.

337.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

Bodily injury, physical injury, or bodily harm - Physical pain or injury, illness, or an impairment of physical condition.

Gender expression or identity - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

Malice and maliciously - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Reasonable person - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim (RCW 9A.36.080).

Sexual orientation - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

Threat - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

337.3 CRIMINAL STATUTES

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337.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, ethnicity, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

(a) Causes physical injury to the victim or another person.

(b) Causes physical damage to or destruction of the property of the victim or another person.

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in RCW 9A.36.080(2).

337.3.2 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

337.3.3 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

337.4 CIVIL STATUTES

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

337.5 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.

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(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.

337.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

337.6.1 GENERAL INVESTIGATIONS UNIT RESPONSIBILITY

If a case is assigned to the General Investigations 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.

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(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).

337.6.2 RECORDS UNIT RESPONSIBILITIES

The Records Unit shall maintain a statistical database on suspected hate crimes and shall report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030)

337.7 TRAINING

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

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Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Bremerton Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.2 POLICY

The continued employment or appointment of every member of the Bremerton Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

339.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

339.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

339.4 STANDARDS OF CONDUCT

339.4.1 ATTENDANCE / BE READY TO CONTRIBUTE
Be on time. Don't be absent without leave or establish a pattern of absenteeism. This includes off duty assignments, overtime assignments, training, scheduled meetings, hearings or trials. Report to work equipped with the proper tools, forms or equipment necessary to perform your duties

Do not feign illness or injury, or deceive any person in our department about your health.

339.4.2 OBEY THE LAW AND DEPARTMENT RULES
Don't violate laws that relates to your employment responsibilities or personal conduct or violate any rules of the department.

339.4.3 ACCOUNTABILITY
Be accountable for your actions. Accept responsibility for your actions without attempting to conceal, divert, or mitigate the truth.

339.4.4 DUTY TO REPORT
Keep the department informed of anything that affects your employment status, including revocation, suspension or restriction of any licensing or certification required for your job, or any court ordered restrictions on the ability to possess firearms or operate a motor vehicle.

Keep the Department informed of anything that comes to your attention that affects Department operations.

Promptly report misconduct that you see or become aware of if the issue is serious, requires supervisory correction or could reasonably result in discipline. Take immediate action to stop the misconduct or unsafe acts.

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If you become aware of a fact that is relevant to an internal investigation, employee action or official proceeding, promptly report it to a supervisor.

If you are arrested, criminally cited, or come under investigation for any criminal offense report it to a supervisor promptly.

339.4.5 ABUSE OF AUTHORITY

Do not use your authority, position, or information gained in the position, to:

- advance the private or financial interests of yourself or anyone else;
- avoid the consequences of illegal acts by yourself or for others;
- engage in acts which deny any person's fundamental rights as guaranteed by law;
- restrict anyone's freedom except as permitted by law; or
- improperly interfere with the lawful conduct of anyone.

339.4.6 BE HONEST

Do not knowingly and intentionally make or submit false, inaccurate, or misleading information or statements related to your official duties. Be truthful at all times, whether testifying under oath or reporting to superior officers. This section is not intended to prohibit ruses for legitimate law enforcement purposes.

339.4.7 CONDUCT UNBECOMING AN EMPLOYEE

Don't engage in any conduct, on or off-duty, which adversely affects the operations or efficiency of the Department or which has a tendency to adversely affect public respect or confidence in the Department or which brings discredit upon the Department or any employee.

339.4.8 UNPROFESSIONAL BEHAVIOR

Conduct yourself at all times, through language or behavior, in a professional manner. Perform your duties without resorting to disrespectful, demeaning, intimidating, profane, sarcastic or insolent language or gestures.

Be courteous when dealing with fellow employees. Cooperate with members of the department and the City.

Don't engage in horseplay that disrupts the workplace, creates unsafe conditions or is harassing.

339.4.9 INSUBORDINATION

Promptly obey the lawful orders, directives, instructions and assigned tasks of superior officers. Direct, tacit or constructive refusal is insubordination.

339.4.10 CONDUCT TOWARD THE PUBLIC

Treat the public in a civil and professional manner that conveys an attitude of service and which fosters public respect and cooperation. Don't be overbearing or use language that belittles or intimidates. Give your rank or position, last name and badge number to any person who requests it.

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339.4.11 SEXUAL MISCONDUCT

Don't engage in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

Don't make unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.

339.4.12 COMPROMISING INVESTIGATIONS OR LEGAL PROCESSES

Don't interfere with or attempt to interrupt an official civil, criminal or administrative investigation,legal process, or the administration of justice.

This section is not intended to prohibit a bargaining unit from lawfully ensuring due process rights are afforded an employee.

339.4.13 BRIBES AND GRATUITIES

Do not accept money, discounts, rewards, gifts, presents, or services offered as a result of your employment with the police department. Refuse any offered gratuities with an explanation of our policy. This policy does not prohibit unsolicited discounts or services offered to all officers or employees made without expectation of increased service.

Bribery of any kind is expressly prohibited.

339.4.14 CONFLICTS OF INTEREST

Don't use your position or information gained while working in the department in any manner that may create a conflict, or appearance of conflict, between your personal interest and those of the City. Examples include:

- Supervisors placing themselves in financial obligation to a subordinate;
- Purchasing items, or giving or accepting gifts, from a prisoner or person under investigation;
- Offering or recommending the services of a private company, such as an attorney, tow company, bail bonds company, etc. to a victim or prisoner;
- Owning or having a financial interest in a business that provides a service in conflict with the ethics and mission of the City or department;
- Providing any secondary employer, or its employees, with special consideration of police services;
- Failing to perform enforcement because of personal interests, including failing to investigate a crime because it may affect a friend;
- Using information obtained from professional duties for personal gain.

339.4.15 IMPROPER ASSOCIATIONS

Except in assigned duties, or where unavoidable because of family relationships, do not:

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(a) regularly or continuously associate with persons whom you know, or should know, are under criminal investigation, who have a reputation for criminal behavior, or who have been convicted of a felony;

(b) Knowingly enter any establishment in which the law is regularly violated;

(c) Join or participate in any organization that advocates, incites, or supports criminal acts or conspiracies;

(d) Knowingly associate with any person or organization which advocates hatred or unlawful discrimination of any racial, gender, sexual orientation, ethnic, or religious group or which disseminates defamatory material;

(e) Be a member of, or associate with, any organization that advocates the violent overthrow of the government or which has practices or purposes contrary to the obligations of a law enforcement officer.

339.4.16 POLITICAL ACTIVITY

Do not engage in any political activities while on-duty or while representing yourself as member of the Bremerton Police Department.

Do not violate the provisions of RCW 41.06.250 - Political activities.

Do not use, or threaten to use, your authority in aid of or against any political party, organization or association or to influence, reward or punish the political affiliation, action, or opinion of any citizen.

Maintain a neutral position in any labor dispute, political protest, or other public demonstration while acting in an official capacity.

339.4.17 MISAPPROPRIATION OF PROPERTY / THEFT

Don't convert to your own use or have any claim on City property, found property, recovered property, property held as evidence or property turned in for safe keeping or disposal (i.e. firearms, ammunition, tools, knives, etc).

Don't employ or use any person, money, or property under your official control because of your employment with the City, for the private benefit or gain of yourself or another.

Don't use Department property or facilities for personal, social, or unofficial purposes without approval of the Chief of Police or designee.

339.4.18 FINANCES

Don't allow your debts to affect your work or create administrative and/or clerical burdens for the City.

Employees shall not spend any funds or incur any financial obligation in the name of the Department and for which the Department would be liable, without the prior approval of proper authority.

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339.4.19 OBTAINING AND DISSEMINATING INFORMATION
Treat the official business of the Department as confidential. Don't obtain or attempt to obtain any information from the Department files or reports other than that to which you entitled for the performance of your official duties.

Don't disseminate information regarding official business, communications, records and data unless for a legitimate business purpose to someone with an official need to know, except as provided elsewhere in this manual or as required by law or competent authority.

339.4.20 NEGLECT OF DUTY
Diligently direct your attention to performing your duty throughout the work day. Take official action when required. Don't conceal yourself to avoid the public or work. Respond without delay to all calls for police assistance from citizens or other officers.

339.4.21 SAFETY
Use equipment and material assigned or available to you in a safe manner. Immediately report all accidents, unsafe acts or conditions to a supervisor or appropriate authority.

339.4.22 UNAUTHORIZED REPRESENTATION
Before making any public appearance officially representing the Department or one that is likely to give the impression you are representing the Department, get the permission of the Chief of Police.

Do not use your name, photograph or official title which identifies you as members of the Bremerton Police Department in connection with endorsements, testimonials, advertisements for any commodity, commercial enterprise, or commercial service.

339.5 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

339.6 HANDLING VIOLATIONS OF RULES / MISCONDUCT
Allegation of misconduct will be investigated in accordance with Policy Manual § 1020 - Complaints. Rules violations will be handled in accordance with Policy Manual § 1021 - Discipline

339.6.1 WRITTEN REPRIMANDS
Unless otherwise specified in a collective bargaining agreement, an employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Captain within ten days of receipt of the written reprimand. The Division Captain will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

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Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final, subject to any appeal rights set forth in the grievance procedure in a collective bargaining agreement.

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Information Technology Use

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

Members are also required to comply with all related City of Bremerton policies governing acceptable computer use and security. These policies can be located in Cobweb under policies, Series 2-20 Information Management.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Bremerton Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

341.2 POLICY

It is the policy of the Bremerton Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department

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system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

341.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

341.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

341.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation

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or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

341.4.3 INTERNET USE

Internet access provided by or through the Department shall be governed by the City of Bremerton policy on internet use. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

341.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

341.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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341.6.1 LAW ENFORCEMENT DATABASES

Employees of the Bremerton Police Department are given unique access to information contained in law enforcement databases, including but not limited to ACCESS, NCIC, WACIC, I-LEADS and LiNX. An employee's access to this information is granted by the Department and is limited to official purposes only. Queries for personal reasons, including mere curiosity, are prohibited. The Department encourages employees to take full advantage of the investigative possibilities that these databases offer, however, they must be able to justify the queries they make. Violation of this provision may result in discipline up to and including termination.

Computer systems accessing these databases may be subject to additional security and operational restrictions described in the current Criminal Justice Information Security policy manual.

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Criminal Investigations

342.1 PURPOSE AND SCOPE

The reduction of crime depends in part on the success of the criminal investigation process. This policy establishes accountability for the conduct of preliminary and follow-up criminal investigations by agency personnel, and establishes procedures for accomplishment of these tasks.

342.2 POLICY

Officers are responsible for identifying and apprehending offenders, recovering property, gathering, documenting, and evaluating facts regarding criminal activity, and assisting in the prosecution of those charged with criminal offenses.

All criminal investigations will be conducted in such a manner as to assure that the constitutional rights of the accused will be maintained.

342.3 PRELIMINARY INVESTIGATIONS

(a) The preliminary investigation of all crimes and incidents reported to the Department will generally be conducted by the patrol officers assigned to the call.

(b) Patrol officers are expected to investigate reported criminal activity, exhausting all reasonable efforts within their abilities and consistent with available resources.

(c) The responsibility for the preliminary investigation shall be assigned to the patrol officer that was assigned the call unless a supervisor removes and/or reassigns the investigative responsibility.

(d) In the case of serious, unusual or complex crimes, the decision to call in a detective on a preliminary investigation will be made by Patrol and Investigations supervisors on a case-by-case basis.

342.3.1 PRELIMINARY INVESTIGATION STEPS

The preliminary investigation includes the following steps:

(a) Determine if an offense has been committed.

(b) Determine the nature of the offense.

(c) Observe all conditions, events, and remarks.

(d) Locate and identify all parties. Complete contact information (multiple phone numbers if available) DOB, and place of employment.

(e) Maintain the crime scene and protect evidence.

(f) Interview the complainant and the witnesses.

(g) Identify and interrogate suspects.

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(h) Arrange for the collection of evidence.

(i) Detain and/or arrest the suspect as appropriate.

(j) Write an incident report documenting the incident.

342.4 FOLLOW-UP INVESTIGATIONS

342.4.1 PATROL OFFICERS

As a general rule, Patrol officers will follow-up misdemeanor crimes and all cases, including appropriate felonies, not requiring specialized skills, knowledge and abilities. This increases the effectiveness of patrol officers, enhances their role, and allows detectives to concentrate on complex investigations.

All incident reports that have been forwarded to the General Investigations Unit will be screened by the detective supervisor. Patrol will be responsible for follow-up investigation of incidents not investigated by the General Investigations Unit.

When assigning a case for follow-up, the Patrol supervisor will enter the appropriate information into the case assignment logbook or the records system case management module. Once the investigation is completed and reviewed, the supervisor will record the case disposition in the case assignment log book and/or the case management module.

342.4.2 SPECIALIZED INVESTIGATIONS

The following types of cases will generally be handled by the General Investigations Unit:

(a) Homicides.

(b) Kidnappings.

(c) Rape & felony sex offenses.

(d) Serious assaults.

(e) Crimes related to registered sexual offenders.

(f) Child & vulnerable adult abuse.

(g) Critical missing persons.

(h) Commercial robberies.

(i) Bank robberies.

(j) Carjackings.

(k) Major financial crimes.

(l) Organized crime and vice activities.

(m) Crimes motivated by race, religion, ethnicity, sexual orientation, or disability.

(n) Serious crimes which appear to be of a similar pattern.

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(o) Crimes which require investigation significantly outside of the geographical boundaries of the City of Bremerton.

(p) Complex crimes or crimes of a sensitive nature.

342.4.3 FOLLOW-UP INVESTIGATION STEPS TO BE FOLLOWED

Follow-up investigations should include the following steps (as are applicable):

(a) Reviewing and analyzing all previous reports prepared in the preliminary investigation.

(b) Conducting additional interviews and interrogations.

(c) Reviewing departmental records.

(d) Seeking additional information (from uniformed officers, informants).

(e) Reviewing results from laboratory examinations.

(f) Arranging for dissemination of information as appropriate.

(g) Planning, organizing, and conducting searches.

(h) Preparing cases for court presentation.

(i) Assisting in prosecution.

(j) Identifying and apprehending suspects.

(k) Collecting physical evidence.

(l) Determining involvement of suspects in other crimes.

(m) Checking suspects' criminal histories.

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Report Preparation

343.1 PURPOSE AND SCOPE

The purpose of this policy is to offer standardized procedures for officers to follow for preparing consistent, high quality reports that document incidents and events they respond to. Police reports fulfill several purposes. They serve to:

(a) Document incidents and actions taken by officers.

(b) To record data for historical purposes.

(c) To convey information to others such as prosecutors, judges, and fellow law enforcement officers, etc.

(d) Measure the volume of services provided by the Bremerton Police Department.

(e) Protect the Department and the officer handling the investigation from unwarranted accusations that improper police action was taken or that nothing was done at all.

Bremerton Police Department employees will complete all required reports promptly, clearly, accurately, with sufficient detail and in accordance with all applicable laws and Department policies.

343.1.1 REPORT PREPARATION

Employees will review their report prior to submission to look for and correct any errors discovered and to ensure the report is sufficiently detailed for its purpose. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

343.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

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343.2.1 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 does not desire 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.

(c) In every case where any force is used against any person by police personnel.

(d) All incidents involving domestic violence or allegations of domestic violence.

(e) All arrests.

(f) All reports involving juveniles as victims of any crime.

(g) Any injury of a questionable nature which could be the result of a crime committed against, or by, the injured person.

343.2.2 NON-CRIMINAL ACTIVITY

In addition to reports required elsewhere in the Policy Manual, the following incidents require documentation on the appropriate approved report:

(a) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(b) All protective custody detentions.

(c) Suspicious incidents or unusual circumstances that may place the public at risk or requires notification of other units or agencies.

(d) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

343.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations.

343.2.4 INCIDENTS INVOLVING CITY INTERESTS

Reports shall be taken when officers are called to investigate the following:

(a) An injury occurs that is a result of an act of a City employee.

(b) City property or City equipment is damaged by a negligent or criminal act.

(c) Any personal injury or event which might result in liability or a claim against the City.

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343.2.5 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.

343.3 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 should be processed according to their priority, not necessarily in the chronological order of the incidents requiring reports.

(a) Reports shall be completed by the end of each watch unless approved by the watch supervisor for late completion.

(b) The following reports must be completed prior to an officer going off duty:

1. In-custody arrest reports.
2. When probable cause for arrest has been brought to the attention of other officers.
3. Traffic collision reports.
4. Prior to weekends, vacations or other extended days away from normally assigned duties.
5. Runaways / missing persons reports.
6. Any incident which needs to be brought to the attention of on-coming officers, supervisors, investigators or administrators.
7. Any incident which would lead a reasonable employee to believe that a citizen complaint was imminent.
8. Any report which the supervisor decides needs to be completed prior to the end of shift.
9. Any impound.

(c) Employees are expected to manage their time to enable completion of reports within the scheduled watch. Employees should not wait until the last few hours of shift to

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begin writing accumulated or lengthy reports. If an employee has a backlog of reports to write, he/she shall notify the supervisor.

(d) Supervisors shall attempt to provide relief or alternative area coverage to officers who have a backlog of reports to write.

(e) Supervisory authorization is required to complete reports on overtime.

(f) Employees completing reports while working overtime or off duty will submit their reports to the on-duty patrol supervisor. Supervisors will review these reports along with their watch reports.

343.3.1 I-LEADS ENTRY

Employees will enter the data in the appropriate I-Leads module. The entry of the data will be in accordance with the I-LEADS Manual.

Employees are responsible for the accuracy and completeness of the information in their reports. It is especially important to select the correct names and addresses from the applicable modules. Don't automatically add a new name or address before checking to see if it already exists in I-LEADS. If it exists but something has changed, update the historical data (i.e. locations, addresses, telephones numbers, etc.).

343.3.2 USE OF OTHER FORMS

If I-LEADS is not available because the system is not operational, reporting by way of approved alternative paper forms is acceptable.

343.3.3 REPORT WRITING GUIDELINES

(a) Reports must be as complete and as accurate as possible.

(b) When an officer is assigned to investigate an initial complaint, that officer is responsible to see that the ensuing report contains all required information about the incident to include:

1. Home, work and cell phone numbers of involved persons.
2. Full addresses which include City and Zip Codes of involved persons.
3. A list of evidence, how and where it was found, and where it was preserved at the police station.
4. The nature of the complaint.
5. A chronological narrative of the facts in the case.
6. Any other information that is pertinent to the investigation of that particular incident.
7. The officer's findings and the disposition.

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8. The findings and disposition should reflect if there are additional investigative steps to be taken or additional reports forthcoming. The disposition should also list the names of any assisting officers.
9. Date and time of the occurrence.

(c) Personal beliefs, biases, or prejudices of the officer, which may influence the report, shall not be included.

(d) If the officer wishes to state an opinion, it should be indicated as such in the report. Another option would be to capture the opinion in a memo and forward it to the appropriate investigator as it pertains to the report.

(e) Officers shall proofread, correct all errors prior to submission, and sign the printed copy of their police reports to authenticate that the report was written by them.

343.3.4 SUPPLEMENTAL REPORTS

Supplementary reports shall be completed:

(a) By assisting officers, whether at the scene of the initial investigation or providing support in some manner.

(b) When the officer receives or obtains additional information which is relevant to the previously filed report.

(c) When the officer recovers any property that relates to the previously filed report.

343.3.5 ANCILLARY REPORTS

In addition to the incident/investigation and supplemental reports in I-LEADS, the Department uses several other report forms to supplement an investigation or track a process. These include but are not limited to:

(a) Impound sheets.

(b) Alarm compliance reports.

(c) Washington State DUI Arrest reports.

(d) Police Traffic Collision Report.

(e) Evidence-on-Q Property forms.

(f) Domestic Violence Supplemental Reports

(g) DOA Checklists

(h) Stolen Vehicle Reports (w/ owner signature block)

Not all of these reports stand on their own. Many must be submitted with incident/investigation or supplemental reports. Ancillary forms must be filled out completely.

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343.4 SUPERVISORY RESPONSIBILITY

(a) Supervisors shall review reports for content and accuracy. The supervisor of the reporting officer will review officer reports for the following:

1. Completeness of the investigation.
2. Grammar and spelling.
3. A clear description of events in the narrative section.
4. Clearing and closing of all incidents and offenses whenever feasible to do so.
5. Adherence to reporting procedures.

(b) If a correction is necessary, the reviewing supervisor should note or communicate the reasons for rejection to the officer who originally prepared the report. The original report and the correction information 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. When the supervisor is satisfied that the report has been completed in the approved manner, he/she will complete the initial approval.

343.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

343.6 ELECTRONIC SIGNATURES

In the event that the Bremerton Police Department establishes an electronic signature procedure for use by employees, the Operations Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

343.7 CASE NUMBERS

Incidents shall be assigned a unique sequential case number by CENCOM upon request.

In many cases, a combination of documentable criteria may be present. When this occurs, only one report is used to cover the case. For example, if an officer gets involved in a pursuit in which

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the driver is arrested for Attempting to Elude, DUI, a Bremerton Municipal Court warrant and a Snohomish County Superior Court warrant, only one case number should be drawn to cover this one incident.

Exceptions may be directed for certain legal or administrative purposes. These include:

(a) Sex offender contacts. If a report is written in which a sex offender is mentioned but the case is not related to the person's sex offender status, a separate case number should be drawn to document the contact for sex offender tracking purposes.

(b) Certain SOG Cases which require multiple case numbers.

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Police Communications

344.1 PURPOSE AND SCOPE

The radio communications system provides a means of disseminating information and emergency two-way communications. The purpose of this policy is to establish effective procedures for the safe and efficient radio communications.

344.2 CENCOM

The Bremerton Police Department receives its dispatch services from Kitsap 911, a consolidated emergency public safety dispatch agency which serves all of the cities and unincorporated areas within Kitsap County.

344.2.1 COMMUNICATIONS SECURITY

(a) CENCOM has stand-by power generators so that, in the event of an emergency, communication capabilities will not be lost.

(b) CENCOM facilities were designed and built in such a manner as to be reasonably secure from physical attacks or sabotage. Entry to the facility is controlled from inside via electrically controlled doors.

344.2.2 CALLS FOR SERVICE

(a) The CENCOM computer aided dispatch (CAD) system is capable of maintaining a record of every call for service, to include date, time, location, nature of the incident, responding units and a disposition for the call for service.

(b) CENCOM has the capability of recording and receiving immediate playback of all radio transmissions and all incoming phone calls.

344.3 RADIO COMMUNICATIONS

(a) The Bremerton Police Department, in conjunction with Kitsap County Central Communications (CENCOM), provides 24-hours, two-way radio capability providing continuous communications between Kitsap 911 and officers on duty.

(b) All enforcement personnel in this agency have the capability of communication within the radio system. The radio will be used for official business only. Radio communications will be brief, clear and conducted in a business-like manner using proper procedures.

(c) Officers will keep radio dispatchers informed of any change in status, including their "in-service" and "out-of-service" status.

(d) Officers will constantly monitor and promptly answer all radio calls from dispatchers.

(e) Officers will advise dispatchers when they arrive and when they clear the location to which they are dispatched.

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(f) Officers will inform dispatchers of their location, the nature of the detail and all other important details.

(g) At the conclusion of each incident, the officer will communicate the disposition to the dispatcher.

(h) All breaks will be communicated to the dispatcher.

(i) Employees will be professional when making voice transmissions. Jokes, wisecracks, or profanities are prohibited. Radio traffic should be limited to language specific to the incident.

(j) Units confronting an emergency situation may interrupt radio traffic by giving their ID and saying "Break." This alerts other units of the pending urgency to the radio transmission without going to emergency radio traffic.

(k) Sensitive information, such as security codes, combinations, surveillance locations, or informant identifiers, should not be given over the radio.

(l) Units will cease normal radio transmissions when an alert tone and/or "emergency traffic" is transmitted. Units may resume normal radio transmissions after the dispatcher has advised to resume normal radio traffic.

(m) Employees should be brief and use plain language.

(n) Employees should speak slowly and clearly in a normal tone of voice.

(o) On-air roll-calls may be requested for various operational reasons. As the dispatcher broadcasts the name of employees logged on the channel, employees will promptly respond with their status when their designator is called.

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Media Relations

345.1 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.

345.2 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, Division Captains, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

345.2.1 MEDIA REQUEST

(a) Beyond those explicit constraints set forth in this policy, employees of the Department are encouraged to be open and cooperative with the news media.

(b) Officers at the scenes of routine incidents, traffic collisions or minor crime scenes may release information of a factual nature to the media as governed by this policy or refer the inquiry to the PIO, command staff or applicable supervisor.

(c) In situations involving multiple law enforcement agencies, effort should be made to coordinate media releases with the other involved agencies.

(d) Officers should not make comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

(e) The Chief of Police gives prior approval for providing information to the media in the following situations:

1. PRESS BOARD - The Department maintains a daily information press board consisting of police reports of law enforcement activities that may be of interest to the public or media. It will be kept in the Records Unit area and shall be made available, upon request, to media representatives and the public.

2. ROUTINE SITUATIONS - Patrol supervisors shall process routine inquiries from the media during non-business hours, holidays, or when requested by the Public Information Officer or the Chief of Police. This includes daily calls from local reporters to inquire if anything newsworthy has occurred or ask questions about routine calls.

3. MAJOR EVENTS OR INVESTIGATIONS - All information released to the media regarding major incidents or investigations should be coordinated through the Department's Public Information Officer or other designated spokesperson. Any information that is being considered for release that relates to an ongoing

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criminal investigation must be cleared through the Chief of Police or designee. It is the policy of this Department to refrain from releasing any information about an ongoing investigation that would be detrimental to the case or place any person involved in jeopardy.

4. INTERNAL POLICY, BUDGET and PERSONNEL ISSUES - Media requests for information, statements, comments or opinions regarding management of the department, budget, goals, personnel issues, allocation of resources or the interpretation of Department policies should be directed to the Chief of Police or a designated representative. This policy does not limit an employee from speaking as a private citizen or as an authorized member of a recognized bargaining unit about matters of public concern.

345.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the 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

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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.

345.3.1 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.

345.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the Public Records Officer, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

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345.4.1 RESTRICTED INFORMATION
It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

345.4.2 EMPLOYEE ADRESSES AND PHONE NUMBERS
Employees will not divulge the address or telephone number of any other employee to members of the media or to any other person outside this Department without prior permission from the affected employee.

345.5 PUBLIC INFORMATION OFFICER
The Department has designated and trained staff in the collateral duty of Public Information Officer (PIO) to serve as the primary media contact for major or critical incidents. The Public Information Officer shall be responsible for the coordination and release of information from the Bremerton Police Department to the news media and shall be available for on-call response to the news media. In the absence of the Public Information Officer, the Division Captains and/or watch or investigative unit supervisors shall have the responsibility for the release of information. Responsibilities of the Public Information Officer include, but are not limited to, the following:

(a) Assisting media personnel with coverage of routine news stories.

(b) Preparing and disseminating agency media releases.

(c) Arranging for and assisting at news conferences.

(d) Coordinating and authorizing the release of information about victims, witnesses, and suspects.

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Subpoenas and Court Appearances

347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Bremerton Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.2 POLICY

Bremerton Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

347.2.1 ACCEPTANCE OF SUBPOENA

Any employee accepting a subpoena shall immediately provide the subpoena to the office assistant for that division. The office assistant shall maintain a chronological log of all department subpoenas and provide a copy to the subpoenaed employee.

347.2.2 AVAILABILITY FOR COURT

(a) If an employee's subpoenaed court appearance conflicts with training or vacations which were scheduled and approved before receipt of the subpoena, they shall notify the affected prosecutor as soon as they receive the subpoena. If the schedule conflict cannot be resolved with the court, the employee will be required to respond to their subpoenaed appearance regardless of previously scheduled vacation or training.

(b) Regular scheduled days off are not valid reasons for failing to respond to a subpoena or for missing court.

(c) If an employee is unable to respond to a subpoenaed court appearance due to a serious illness or emergency, they shall contact or arrange to have someone contact on their behalf, the affected prosecutor as soon as possible.

(d) Any time an employee misses a court appearance they will submit a memo to their supervisor explaining the circumstances.

(e) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual will be responsible for notifying the affected prosecutor.

347.2.3 COURT CONTACT INFORMATION

To facilitate needed communication with the courts and Department, employees are required to have a telephone and to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact and call back.

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347.3 CIVIL SUBPOENAS

Any employee who is served with a subpoena or other legal process relating to the business operations, policies or procedures of the Department will inform the Chief of Police immediately. This requirement does not apply to subpoenas relating to the prosecution of a routine criminal case.

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties in accordance with the provisions of the current collective bargaining agreement (CBA). Employees will not receive compensation from any other party for court appearances.

347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Bremerton Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Bremerton Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

347.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

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347.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

347.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

347.5 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.

347.5.1 PREPARATION FOR TESTIMONY

(a) Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever the seriousness of charges or complexity of cases dictates.

(b) Officers shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial prior to appearing in court.

(c) Prior to trial, officers shall review case documentation to ensure that they are familiar with the facts of the case.

(d) Officers shall provide all reasonable assistance to the prosecutor to ensure that necessary evidence will be available at trial.

(e) The prosecutor should be notified prior to any communication between officers and defense attorneys with regard to a pending criminal case. Officers shall attend any defense interviews requested or arranged by the Prosecutor's Office.

347.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the class A (long-sleeved shirt worn with a tie) uniform or business attire. Jumpsuits and/or exterior vest carriers are not acceptable for courtroom appearances. **Exceptions:** The prosecuting attorney initiates a request for the officer to wear what he/she was wearing the day/night of the incident; or, the officer receives a last-minute call to report to court. These exceptions shall be approved by a supervisor.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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347.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

347.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

347.8 LAWSUITS

(a) An employee shall not institute any civil action or lawsuit arising out of his/her official duties without notifying the Chief of Police.

(b) An employee shall not accept or agree to accept any money or compensation for damages or expenses incurred in the line-of-duty without approval of the Chief of Police.

(c) An employee against whom a damage suit has been filed arising out of his/her official duties shall immediately notify the Chief of Police and provide him/her with a copy of the complaint.

(d) The Department shall immediately notify the City Attorney of any claims, law suits, compensation for damages or expenses, settlement proposals or other legal processes involving the Department, or the on-duty actions of its employees.

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Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.1.1 SELF-DEPLOYMENT

Self-deployment is the well-intentioned response by emergency personnel to major crimes, incidents or natural disasters without being requested by the responsible jurisdiction. Un-requested units at major incidents can cause significant problems, including:

- Disruption.
- Resources wasted on managing unrequested personnel
- Individuals not aware of the overall plan.
- Duplication of effort.
- Freelance efforts in conflict with operational plans.
- Self-initiated actions unreported to the incident commander.
- Lack of deconfliction.
- Depleted reserve resources that may be needed to provide continued services.

When a neighboring jurisdiction experiences a major incident (i.e. homicide, officer involved shooting, natural disaster), the following should be followed:

(a) Supervisors should immediately and affirmatively control Bremerton Police personnel to prevent self-deployment activity.

(b) Supervisors should offer assistance to the jurisdiction were the incident occurred.

(c) Bremerton Police Department personnel should not respond to the scene unless requested or dispatched.

(d) Once assistance is requested, members should respond to the command post or other designated assembly location unless the on-scene commander directs otherwise.

(e) Once at the scene, members are subject to the direction and control of the Incident Commander.

This section applies to those major incidents that require a coordinated response under incident command protocols (i.e. officer shootings, homicides, natural disasters, etc.). It is not intended to discourage the cooperation with neighboring law enforcement agencies that occurs daily at the officer or first line supervisor level on both routine and priority calls.

352.2 WASHINGTON MUTUAL AID PEACE OFFICERS POWERS ACT

As a general authority Washington law enforcement agency, the City of Bremerton is authorized to commission its police so they may enforce the laws of the State of Washington and the ordinances

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of the City of Bremerton. The Act of 1985 extends the authority to enforce State law throughout the State of Washington to all fully-commissioned officers of a general authority law enforcement agency under specific conditions.

Under RCW 10.93.070, a general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefor by the Washington State Criminal Justice Training Commission may enforce the traffic or criminal laws of this state throughout the territorial bounds of this state, under the following enumerated circumstances:

(a) Upon the prior written consent of the sheriff or chief of police in whose primary territorial jurisdiction the exercise of the powers occurs;

(b) In response to an emergency involving an immediate threat to human life or property;

(c) In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority;

(d) When the officer is transporting a prisoner;

(e) When the officer is executing an arrest warrant or search warrant; or

(f) When the officer is in fresh pursuit, as defined in RCW 10.93.120.

Officers are required to submit a report any time they exercise any authority under the Act outside of the City of Bremerton.

Nothing in the Act requires action by a commissioned officer.

352.3 CONCURRENT JURISDICTION

(a) Washington State Highways: Concurrent jurisdiction exists between the Bremerton Police Department and the Washington State Patrol regarding State highways that exist within the City of Bremerton.

(b) Washington State Ferries: The City of Bremerton is authorized to exercise concurrent jurisdiction and authority with State law enforcement officers in the enforcement of laws of the State or City ordinances at the State Ferry Terminal located within the City limits of Bremerton and on State ferries at the terminal and throughout the ferry runs, notwithstanding that the ferry may not be in the officer's governmental division.

352.4 TASK FORCES

The Bremerton Police Department's participation in the Narcotics Task Force is governed by the Department of Community Development, Washington State Narcotics Control Program and the Multi Jurisdictional Task Force Inter-local Agreement. Any other task forces or interagency agreements entered into by the Bremerton Police Department will be governed by a written

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agreement which addresses operational objectives, control, participation levels, participation qualifications, and personnel policies of all agencies involved.

352.5 POLICY

It is the policy of the Bremerton Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

352.6 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

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 after probable cause has been verified. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

352.6.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Bremerton Police Department shall notify his/her supervisor or the Shift Sergeant and Kitsap 911 as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

352.7 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.8 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities shall be documented in a report or as directed by the Shift Sergeant.

352.9 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Services Division Captain or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Kitsap 911 and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Operations Lieutenant should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Bremerton 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 Bremerton Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

Sex offenders seeking to register should be directed to the Kitsap County Sheriff's Office.

356.4 MONITORING OF REGISTERED OFFENDERS

The Support Services Lieutenant 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 in-person contact at the declared residence.

(b) Review of information on the WASPC Sex Offender Information Center website.

(c) Contact with a registrant's community corrections 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 General Investigations Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Bremerton Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief 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 website or the Bremerton Police Department's website.

The department shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56.001 et seq.).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

356.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

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 Bremerton Police Department has no authority to direct where an offender may live.

356.5.2 MANDATORY NOTIFICATION

The Support Services Lieutenant shall ensure that:

(a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the City. 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)).

356.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

(a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex

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offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.

(b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.

(c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.

(d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

356.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the appropriate person at a school or other educational institution as set forth in RCW 9A.44.138 of any sex/kidnapping offender who attends or is employed there, and for providing the following information about the offender:

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Photograph
- Risk level classification

356.6 SEX OFFENDER RISK ASSESSMENT

The department 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 Bremerton Police Department is authorized to assign its own risk level.

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- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

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Major Incident Notification

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 Bremerton 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 Division Captain. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Fatal traffic accidents.
- Officer-involved shootings. Also see the Use of Deadly Force and In-Custody Deaths Policy for special notifications.
- Significant injury or death to employee, on- or off-duty.
- Death of a prominent Bremerton official.
- Arrest of a Department employee or prominent Bremerton official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Barricaded suspects, sniper,or hostage situations.
- Unusual occurrences such as major fires, explosions, widespread utility interruption or other significant damage resulting from man-made or natural causes.
- Kidnapping.
- Major activity of another law enforcement agency within our jurisdiction.
- Bomb threat to the Police Station or City Hall where an actual device is found. Any actual explosion, any bombing or sabotage.
- Missing child where foul play is suspected.
- Demonstrations.
- Police vehicles involved in an accident with either injury to an officer, another party or major damage.
- Disciplinary action requiring relief from duty.

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- Press release content involving major incidents or sensitive information.
- Any significant call-out of additional personnel.
- Any other situation where the shift supervisor wishes immediate consultation with the Division Commander.

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 MINIMUM CRITERIA FOR NOTIFICATION, the Chief of Police shall be notified along with the affected Division Captain and the Detective Lieutenant if that division is affected.

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate unit 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 supervisor will contact the appropriate accident investigator. The supervisor also will notify the Operations Lieutenant.

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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Civil Disturbances

359.1 PURPOSE AND SCOPE

The Bremerton Police Department is charged with protecting the constitutional rights of all persons. The Bremerton Police Department recognizes the rights of all citizens to free speech and assembly, while ensuring that public order is maintained and the lives and property of others is protected. The Bremerton Police Department, in striving to uphold its responsibilities, shall monitor, analyze, and evaluate such special events as:

(a) Block parties.

(b) Labor-management controversies.

(c) Open air public meetings.

(d) Parades.

(e) Picketing situations.

(f) Public Demonstrations.

(g) Races.

(h) Strikes.

(i) Processions.

(j) Other special events/activities occupying or marching on any street or public place.

The manner in which law enforcement officers deal with unruly crowds and unlawful assemblies has a direct bearing on their ability to control and defuse the incident. The purpose of this policy is to establish guidelines to effectively deal with unruly crowds and illegal gatherings that are engaged in or pose a significant threat of engaging in violence, property damage or a breach of the peace.

359.2 POLICY

The Bremerton Police Department will protect the rights of free speech and peaceful assembly until the actions of such an assembly threatens the rights of others or substantially disturbs the peace. When this occurs, the Department will take action to discourage unlawful conduct, control crowds and maintain order.

359.3 PLANNING

Oftentimes a civil disturbance will stem from incidents or situations that are known in advance to the Police Department. When the Department has warning of any such event, a point person or persons shall be identified to draw up written plans to address potential problems to include personnel assignments, the identification of staging areas, transportation needs, mass arrests, locations for mass arrest holding areas, and all other requirements identified in this section. Special schedules for all departmental employees may be necessary to ensure that adequate personnel

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resources are available to carry out the Department's mission. Such special schedules could include mandatory 12-hour shifts through the duration of the incident.

359.4 STATUTORY PROVISIONS

The Washington State statutes in regards to unlawful assemblies can be found at:

(a) R.C.W. 9A.84 - Public Disturbance.

(b) B.M.C. 9A.44 - Public Disturbances.

359.5 INITIAL RESPONSE

Lawful assemblies may require monitoring to ensure that they remain lawful. Consideration should be given to other factors or organizations that may wish to infringe upon the rights of those who wish to assemble lawfully. On-scene officers should be alert for the following conditions:

(a) Pedestrian and vehicular movement are not impaired.

(b) The public right-of-way is not impeded.

(c) Private property is not damaged or violated.

(d) No City, state or federal statutes are violated.

If an event or lawful assembly becomes a civil disturbance or an unlawful assembly where public order, civil rights, life or property are threatened or violations of law occur, officers of the Bremerton Police Department will take action to include but not limited to:

(a) Observe the situation from a safe distance to determine the type of gathering and the appropriate response.

(b) Communicate this assessment to a supervisor.

(c) Approach the crowd and instruct them to disperse only if reasonably safe to do so.

(d) Attempt to identify crowd leaders and individual(s) engaging in criminal acts.

(e) Remain neutral.

(f) The ranking supervisor on-duty will:

1. Assume responsibility to assess and coordinate the department's response.
2. Establish an incident command post.
3. Determine manpower needs.
4. Establish a staging area.
5. Attempt to resolve the matter as peacefully as possible.

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359.6 INCIDENT COMMAND

The incident commander, after assessing the situation, shall make assignments to areas of responsibility in accordance to the size and scope of the incident. Depending on the size of the incident, the incident commander may initiate the Emergency Operation Plan. In smaller incidents, the incident commander will simply ensure the following responsibilities are considered during the course of the incident.

359.6.1 COMMAND OPTIONS

When adequate personnel and resources are in place, communications should be established with leaders of the disturbance regarding dispersal of the crowd. Should the crowd fail to disperse, the following options should be considered:

(a) Containment and dialogue. The objective of containment and dialogue is to disperse the crowd.

(b) Physical arrest. When appropriate the order should be given to arrest crowd leaders, agitators or others engaged in unlawful conduct.

1. Ensure the appropriate use of tactical formations and that officers are equipped with available protective equipment.
2. Ensure the availability of transportation for those arrested.
3. Ensure that a backup team of officers is readily available, should assistance be required.

359.7 MASS ARREST

To expedite the handling and processing of persons under arrest while safeguarding their constitutional rights, a field booking facility may be established.

(a) Location Criteria: The facility should be located out of sight of the scene of the mass arrest and be large enough to accommodate the anticipated number of prisoners, all processing procedures and the storage of necessary supplies. If transportation to jail is not immediately available, shelter, warmth, toilet facilities and security of the prisoners will be required.

(b) Arresting Officer Responsibilities: The arresting officer will:

1. Deliver the arrestee along with any relevant evidence to the field booking facility.
2. Give Miranda rights warnings.
3. Stand with the prisoner to have a picture taken.
4. Write a brief paragraph which states the reason for the arrest.
5. Search the arrested person and secure personal property and/or evidence in a secure envelope and/or bag.
6. Return to field assignment as soon as possible.

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7. After completing all of the duties in connection with the incident, the officer shall return and complete a detailed offense report on each arrestee.

(c) Crime Scene Officer Responsibilities:

1. Photograph the prisoner and arresting officer together with any evidence and property envelopes prominently displayed in the photograph. The case number shall be written on the envelopes in black pen large enough to be easily read.
2. Maintain the prisoner in custody until released to the transportation detail.
3. Assign a case number to each arresting officer and his/her arrestee unless all prisoners are in custody in relation to the same case.
4. Complete any charging documents and affix them to the statement written by the arresting officer.
5. Collect personal property from the prisoner and complete any other necessary paperwork. The Crime Scene Officer shall maintain control of personal property and evidence envelopes along with offense reports and identification pictures.
6. Keep the incident commander advised of the number and type of arrested persons processed.

(d) Transportation Detail Responsibilities:

1. Communicate with the Kitsap County Jail about the mass arrest probability and coordinate with that facility for booking procedures.
2. Procuring vehicles to transport the anticipated number of persons arrested.
3. Deliver cuffed or otherwise restrained prisoners to a detention facility or county jail along with the appropriate completed paperwork.
4. If the arrested individuals are to be released after processing, the transportation detail will be responsible for transporting those individuals away from the incident site prior to release.

(e) Security at Field Booking Facility: The appropriate number of officers shall be assigned to maintain exterior and interior security of the field booking facility. The security detail should provide assistance to arresting officers and those working in the field booking facility.

(f) Medical Staff: Fire Department aid crews will be at the booking facility to screen all arrested individuals for medical treatment. If the arrested individual requires hospitalization, he/she shall be transported to the hospital for medical release prior to being booked into the Kitsap County Jail. If an arrested individual requires prescribed medication while detained and that individual is in possession of the medication at the booking facility, the aid crew's recommendation concerning the prescribed medication will be obtained prior to dispensing such medication.

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(g) Defense Counsel Visitations: All prisoners should be advised of their constitutional rights by the arresting officer. Officers should not allow attorneys to interfere with the process. The first opportunity for a detained person to consult legal counsel will be after the booking process has been completed at the Kitsap County Jail.

(h) Liaison with Prosecutors: When a mass arrest situation is anticipated but prior to its actual inception, an officer should be selected as liaison with the City/County Prosecuting Attorney's office. The liaison officer shall solicit legal advice from the attorney who will be available to give continued advice for the duration of the incident. When the mass arrest situation is spontaneous and without opportunity for prior planning, the City/Prosecuting Attorney should be contacted for legal guidance as soon as the circumstances permit.

(i) Food, Water and Sanitation: When transportation to a jail facility cannot be accomplished within a reasonable time period, the field commander will initiate procedures to provide food, water and sanitation facilities for those arrestees waiting to be transported.

359.8 UNION STRIKE / LABOR DISPUTES

The intent of this procedure is to protect the rights of both the pickets and public during labor disputes. Generally, while monitoring the picket lines, arrests should be avoided whenever possible and efforts should be made to obtain voluntary compliance. It shall be the policy of this Department to act in a fair and objective manner when dealing with parties from either side of a labor dispute or strike. The Police Department's role should be to defuse potentially violent situations, protect life and property and minimize any inconvenience to the general public caused by such disputes.

(a) Field supervisors will give specific instructions to their officers with regard to close patrols on the picket locations, vulnerable targets, potential trouble spots, etc. Patrol should be conducted in such a fashion as to not indicate favoritism for one side or the other. Field supervisors should be particularly sensitive in trying to maintain a balance between sufficient close patrols to indicate a police presence in the area but not so focused or high profile as to constitute or be considered as intimidating or inflammatory.

(b) Wherever possible, citations will be issued by mail and summonses or arrest warrants will be served away from the scene of potential confrontation.

(c) In the event that traffic is disrupted or blocked illegally, those responsible should be informed that the Police Department will take whatever action is necessary to clear the problem.

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 CORONER JURISDICTION OVER REMAINS

The coroner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

(a) When in apparent good health without medical attendance within the 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 or human remains shall not be disturbed or moved from the position or place of death without permission of the coroner (RCW 68.50.050).

360.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.3 NATURAL, EXPECTED OR ATTENDED DEATH INVESTIGATIONS

Unless death is obvious at the time the first officer arrives at the scene, all appropriate aid shall be given. Investigations into deaths that appear to be the result of natural causes, and in which no suspicious circumstance or criminal activity is involved, will generally be the responsibility of the Operations Division. Officers will complete a Death Scene Check List and an Incident report.

An attended death results directly from an illness which has been diagnosed and is actively being treated or attended to by a physician. The patient is under the care of the medical staff of a hospital, hospice, hospice trained relatives or a nursing home. After confirming a death was an attended death and that the coroner has been notified, no further action needs to be taken.

360.4 SUSPICIOUS DEATH OR HOMICIDE INVESTIGATIONS

When deaths come to the Department's attention which are suspicious, unusual, or involve unnatural circumstances, the General Investigation supervisor shall be notified. This includes situations when there is evidence that will assist in identifying a suspect involved in the distribution of the drugs associated with the overdose case or the death of a person under the age 18.

360.4.1 INITIAL RESPONSE

(a) Check the scene for officer safety or other victims before beginning the investigation. Enter and leave the scene by the same route. Do not walk through bloodstains or disturb other evidence.

(b) Unless death is obvious at the time the first officer arrives at the scene, all appropriate aid shall be given. If there is a possibility the victim is alive, summon medical assistance and use first-aid measures until help arrives.

(c) When the obvious signs of death are present, such as lividity, rigor mortis or putrefaction, do not touch the victim.

(d) Try to determine if medical personal moved or disturbed anything. If anything was disturbed, find out what was disturbed, when it was disturbed, why it was disturbed and who was involved.

(e) Record the names of the ambulance attendants present at the scene.

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(f) If the victim is alive but circumstances indicate the victim is dying, obtain a dying declaration if possible.

(g) If it is necessary to move the victim, note the exact position and location of the victim prior to movement.

(h) Nothing in the area should be touched or disturbed in any way unless required in giving aid to the victim. If the items must be moved, a report documenting this must be completed.

(i) Clear the immediate scene of all possible suspects, additional victims, and witnesses present. Move them outside the death scene and separate them, so they can be debriefed after the scene is secure at the earliest opportunity.

(j) Do not touch, move, or alter anything in the crime scene. If you do, make investigators aware of those things when they arrive.

(k) Do not touch any weapons except in cases where officer safety is an issue. If there is no alternative and a weapon must be moved, do not unload or disassemble it. Handle it so as not to destroy any latent prints or other evidence.

(l) Don't smoke in the crime scene.

(m) Don't use toilet facilities, phones, appliances, sinks or anything else in the crime scene.

(n) Record the names, addresses, dates of birth, and telephone numbers of anyone at the crime scene. Isolate and separate witnesses or suspects if possible. Hold witnesses and suspects for detectives.

(o) After death has been established, all personnel will withdraw from the scene.

(p) A list of all persons who entered the crime scene will be completed and submitted to the investigator in charge of the scene.

(q) Secure the crime scene with barricade tape. A wide area at and adjacent to the actual scene should be protected. Clear the largest area possible. The scene can be narrowed later. This should include, if possible, any portion of the surrounding area over or through which a suspect may have passed en route to or leaving the crime scene. Note any visible evidence and take additional measures to protect that specific location, particularly if the potential evidence is exposed to the elements and/or outside of the perimeter identified as the crime scene.

(r) Post an officer to secure the scene. Additional officers, ropes, barricades, and signs should be utilized as needed.

(s) A crime scene log should be initiated, recording those persons who enter within the barricade tape area. No one except crime scene personnel, the coroner, and detectives should be allowed entry into the crime scene. (Safety issues may take precedence.)

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(t) Request additional units as needed to protect the scene, to transport witnesses, suspects, etc.

(u) The responding officer or supervisor will notify the appropriate staff per Policy Manual § 358 - Major Incident Notification.

(v) Stand by to assist investigators and provide them with any information you may have collected since your arrival at the crime scene.

360.4.2 GENERAL INVESTIGATIONS INITIAL RESPONSE

When General Investigations detectives arrive on scene, they will obtain a briefing from on-scene officers. Once the briefing is complete, the detectives assume responsibility for the investigation. General Investigations may use patrol personnel as needed and should keep the patrol supervisors updated on the progress of the investigation.

A search warrant will be obtained in all homicide investigations unless the scene does not require one. (Example: The scene is located where expectation of privacy is not a concern.) A prosecutor should be consulted on the decision to obtain, or not obtain, a warrant. Following the initial withdrawal from the scene, no one should enter the scene until a search warrant has been issued unless there is exigent justification and only after consideration of the effect warrantless entry would have on the outcome of the case.

360.4.3 CRIME SCENE PROCESSING

(a) When the search warrant is received, the Crime Scene investigator will assume responsibility for crime scene security and for preservation, collection and processing all items of evidentiary value.

(b) Only those necessary to the investigation will be allowed to enter the crime scene.

(c) The Crime Scene investigator should allow assigned detective(s) to walk through the crime scene if it is possible and there is no danger of evidence being destroyed.

(d) The Crime Scene investigator at the scene may make a brief video of the scene and give it to the detective so they can use it to brief other detectives who will work the case.

(e) The body shall not be moved until the Coroner has arrived on the scene. At that time the Coroner shall take charge of the body and the body will not be disturbed at any point unless done so at the Coroner's direction or by his personnel.

(f) Only the General Investigations supervisor, or a supervisor familiar with the investigation, will release the crime scene.

360.4.4 BIOLOGICAL HAZARDS

Personal protective equipment will be used as needed in accordance with Policy Manual 1016 – Communicable Diseases. Officers may assist the Coroner's office or funeral home in moving a body but are not required to do so.

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360.5 SUICIDES

This section assumes the victim is deceased. If there is a possibility that the victim is still alive, immediately take necessary action while attempting to preserve the victim's life.

(a) A supervisor will respond to the scene along with the assigned patrol officer.

(b) Verify that the victim is deceased. If possible, control the number of medical personnel on the scene.

(c) Do not move the victim. If the victim is found hanging do not cut down. If there is a possibility that the victim is still living, cut above or below the knot.

(d) Examine the victim for obvious injuries or trauma.

(e) Conduct preliminary investigation. At this point take care to minimize scene disturbance. Move only what is necessary for officer safety and investigative need.

(f) Interview anyone present at the scene that has information, i.e., next-of-kin medical personnel.

(g) The supervisor should confer with a General Investigations supervisor to determine if a detective and/or crime scene investigator should respond.

(h) Complete a Death Scene Checklist along with the Incident Report.

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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 a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.2.1 FINGERPRINTING

At the request of a victim, arrangements can be made to have their fingerprints taken by the Records Unit. There will be no cost to the victim.

362.2.2 COMPROMISED IDENTITY CLAIM FORM

The victim should be provided with a WSP Compromised Identity Claim (CIC) form to send to the Washington State Patrol, along with the completed fingerprint card.

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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 - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

370.2 POLICY

It is the policy of the Bremerton 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

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should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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 Bremerton 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

Bremerton 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

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report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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.

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(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.13 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 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Operations Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Operations Lieutenant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Bremerton 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

The Bremerton Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

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 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least three years of successful ministry experience within a recognized church or religious denomination.

(e) Possess a valid Washington Drivers License.

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376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their church elders, board, or council.

(c) Interview with Chief of Police or designee.

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or home.

(d) Attending and participating, when requested, in funerals of active or retired members of the Department.

(e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the Department's mission.

(g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Counseling officers and other personnel with personal problems, when requested.

(i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Department.

(k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.

(l) Providing liaison with other religious leaders of the community.

(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

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(n) Participating in in-service training classes.

(o) Willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or ministers of various denominations.

(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that were provided while functioning as a chaplain for the Bremerton Police Department.

376.6.1 PROHIBITIONS

The Chaplain shall serve independently, non-denominationally and without compromise of personal-held beliefs and convictions. He/she shall not take the place of the family minister, nor promote doctrinal positions to the person(s) involved.

376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Bremerton Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Bremerton Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Operations Division Lieutenant designated as the Chaplain Unit Coordinator.

(b) The Chief of Police shall make all appointments to the Chaplain Program.

(c) The Operations Lieutenant shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular meetings, coordinate activities that

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may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled by the Department on a rotational or on-call basis.

(b) Each Chaplain should attend scheduled Chaplain's meetings.

(c) Generally, each chaplain should attempt to serve with Bremerton Police Department personnel on a monthly basis.

(d) Chaplains may ride with officers during any watch and observe Bremerton Police Department operations, provided the watch supervisor has been notified and approved of the activity.

(e) If a Police Department employee requests a chaplain, notification of the on-call chaplain shall be made by means of phone or radio via CenCom. The on-call chaplain shall then contact the on-duty supervisor for additional information and make a determination of whether the chaplain's physical presence is necessary.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall not carry firearms or ammunition while acting in their capacity as Police Chaplain.

(i) Chaplains shall serve only within the jurisdiction of the Bremerton Police Department unless otherwise authorized by the Chief of Police or his/her designee.

376.9.1 UNIFORMS

A distinct uniform, credentials and necessary safety equipment will be provided for the Chaplains. This uniform will denote that the wearer is a chaplain and will not mimic a police uniform to prevent suspects from mistaking chaplains for police officers.The Chaplains may have a dress uniform that is similar to the department uniform for official cermonies.

376.10 TRAINING

Chaplain's training may include stress management, death notifications, post traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Operations Lieutenant.

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376.11 REMOVAL FROM THE PROGRAM

Police chaplains serve on a voluntary basis at the pleasure of the Chief of Police. They may be removed at any time it is believed their involvement in the program is not in the best interest of the agency.

If a chaplain can no longer complete the responsibilities of a police chaplain, he/she should notify the program coordinator. The chaplain may request to be placed in an inactive status by a memorandum to the Chief of Police. If chaplain later wishes to be re-activated, he/she will submit a letter of request to the Chief of Police with a copy to the program coordinator. The decision to reinstate will be made by the Chief of Police or his designee.

When a chaplain discontinues his or her service with the Department, or is placed in inactive status, they will surrender their police issued equipment to the program coordinator.

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Public Safety Video Surveillance System

378.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

378.2 POLICY

The Bremerton Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

378.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

378.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

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(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

378.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance.

378.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

378.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

378.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

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378.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.

378.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Bremerton Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

378.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies.

378.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

381.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

381.2 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 Bremerton Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

381.3 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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381.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Social and Health Services, if appropriate.

(e) Notify the field supervisor or Shift 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).

381.3.2 PHONE CALLS DURING THE ARREST 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.

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These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

381.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

381.3.4 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.

381.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

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Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Service Animals

383.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Bremerton 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.

383.2 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).

383.2.1 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.

383.3 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 Bremerton 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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Cadets

384.1 PURPOSE AND SCOPE

The primary purpose of the Bremerton Police cadet program is to provide college students who are interested in law enforcement as a career with exposure to police operations. The program places an emphasis on recruiting non-traditional candidates who are generally underrepresented in the ranks of the police service.

384.2 DUTIES

Cadets are expected to become familiar with the operations of the various units within the Police Department. Cadets may be assigned to various sections of the Police Department by the program coordinator with approval from the appropriate commander. Cadet duties may include:

(a) Community or Crime prevention activities:

1. Crime prevention public education programs.
2. Public or special events. Staffing informational displays or booths.
3. Graffiti abatement programs.
4. Child car seat inspections.
5. Taxi inspections.

(b) Clerical or general office duties to include entering data, typing reports, filing, answering phones, and other office tasks.

(c) Transporting vehicles for repair and other services.

(d) Clearing defective equipment infractions at Police Headquarters.

(e) Helping front-counter personnel by answering citizen inquiries, directing citizens to the proper police unit, and performing routine administrative tasks.

(f) Assisting officers with investigative or analytical functions:

1. Taking reports of minor and no-suspect crimes.
2. Providing case status updates to crime victims on behalf officers.
3. Conducting research.
4. Compiling crime data for specific areas.
5. Collecting statistical data.
6. Participating in underage alcohol enforcement.

(g) Participating in role-playing and training scenarios for officers.

(h) Any other duties authorized by the command staff and within the cadet's scope of authority.

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384.2.1 LIMITATIONS

Cadets serve in a support role and are not sworn officers. Cadets will not assume legal authority beyond what is granted any citizen. Cadets 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 Cadets. Cadets will not engage in any confrontation, detentions or arrests. Cadets will not intentionally make physical contact with a suspected violator except in an emergency situation when necessary to protect themselves or others. Cadets will not be issued or carry any weapons while on duty.

384.3 CADET MANAGEMENT

384.3.1 CADET COORDINATOR

The Cadet Coordinator will be appointed by the Chief of Police or designee. The Cadet Coordinator is responsible for the following:

(a) Recruiting, selecting and training qualified Cadets for various positions.

(b) Facilitating the implementation of new Cadet activities and assignments.

(c) Maintaining records for each Cadet.

(d) Tracking and evaluating the contribution of Cadets.

(e) Maintaining the Cadet handbook and outlining expectations, policies and responsibilities for all Cadets.

(f) Maintaining a record of Cadet schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

384.3.2 QUALIFICATIONS / SCREENING

Prospective Cadets must be college students between the ages of 18 and 23 and enrolled at an accredited academic institution. Cadets must carry a minimum of 12 credit hours of classes during each school term. A cadet may participate in the program for a maximum of two years and must maintain a 2.0 cumulative grade point average during the period of participation in the program. Cadets must possess a valid driver's license.

All prospective Cadets will accurately and truthfully complete application forms including. The Cadet Coordinator should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each Cadet applicant and shall include the following:

(a) Traffic and criminal background check.

(b) Fingerprints shall be obtained and processed for criminal history.

(c) Employment.

(d) References.

(e) Credit check.

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(f) A polygraph exam may be required of each applicant depending on the type of assignment.

384.3.3 TRAINING

Cadets will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment. Cadets should receive position-specific training to ensure they have adequate knowledge and skills to complete assigned tasks. They should also receive periodic ongoing training as deemed appropriate by their supervisor or the Cadet Coordinator.

384.3.4 WORK SCHEDULE

Cadets will work a maximum of 20 hours per week, with some exceptions. Work schedules and hours may vary and include weekends, but may be adjusted to accommodate college schedules and other demands. Cadets should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.3.5 FITNESS FOR DUTY

No Cadet 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. Cadets 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 Cadets shall adhere to Police Department and City policy regarding drug and alcohol use.

384.3.6 DRESS CODE

As representatives of the Department, Cadets are responsible for presenting a professional image to the community. Cadets shall dress appropriately for the conditions and performance of their duties. Cadets shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for Cadets should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except Cadets may choose to wear the uniform while in transit to or from official department assignments or functions. Cadets shall be required to return any issued uniform or department property at the termination of service.

384.3.7 ON-DUTY INJURIES

Cadets who sustain injuries while on-duty will report the circumstance immediately to a supervisor.

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384.4 SUPERVISION

Each Cadet who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that Cadet. This supervisor will be responsible for day-to-day management and guidance of the work of the Cadet and should be available to the Cadet for consultation and assistance. Functional supervision of Cadets is the responsibility of the supervisor in charge of the unit where the Cadet is assigned.

384.5 CONFIDENTIALITY

During the course of their duties, Cadets may have access to, or become aware of, confidential information such as criminal histories, progress of an investigation, plans or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. 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 Cadet will be required to sign a nondisclosure agreement. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the Cadet is grounds for immediate dismissal.

Cadets 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.

384.6 PROPERTY AND EQUIPMENT

Cadets will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a Cadet shall remain the property of the Department and shall be returned at the termination of service.

384.6.1 VEHICLE USE

Cadets assigned to duties that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the Cadet possesses a valid Washington Driver's License.

When operating a Department vehicle, Cadets shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles. Cadets should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Cadets are not authorized to operate a Department vehicle using priority response.

384.7 CONDUCT / TERMINATION

384.7.1 CONDUCT

All Cadets shall comply with the Code of Conduct and with all orders and directives, either oral or written, issued by the Department.

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384.7.2 TERMINATION

A Cadet may be removed from the Cadet program at the discretion of the Chief of Police or the Cadet Coordinator. Cadets shall have no property interests in their continued appointment.

384.7.3 RESIGNATION

Cadets may resign from Cadet service with the Department at any time. It is requested that Cadets who intend to resign provide advance notice of their departure and a reason for their decision.

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Volunteer Program

385.1 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.

385.1.1 DEFINITIONS

Volunteer: An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered.

385.2 DUTIES

Volunteer duties may include:

(a) Community service activities.

(b) Clerical or general office duties.

(c) Role-playing for training scenarios.

(d) Crime prevention activities.

(e) Child car seat inspections.

(f) Taxi inspections.

(g) Assist at public or special events.

(h) Clearing defective equipment infractions at Police Headquarters.

(i) Citizen Patrol.

(j) Speed monitoring.

(k) Handicapped parking enforcement.

(l) Vacant / vacation house checks.

385.2.1 CITIZEN PATROL

Volunteers may be used as high-visibility, two-person observation patrols in business and residential areas, reporting any illegal or suspicious activity by radio after moving to a safe location. Volunteers may also be trained to recognize certain violations of City Code and report such violations to appropriate authority.

385.2.2 VOLUNTEER SPEED MONITORING PROGRAM

As one possible solution to citizen complaints of speeding vehicles in neighborhoods and school zones, trained volunteers may monitor vehicle speeds using a department-issued radar unit. The vehicle speed and time are written on a log sheet. In the event a violation is observed, the volunteer will attempt to document the vehicle's description and license plate number. Volunteers will not attempt to engage or otherwise influence a violator.

Using the data obtained by the volunteer speed monitoring, the Department may:

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(a) Send out letters to the registered owners advising them of the observed violation.

(b) Share the data with the concerned neighborhood.

(c) Assign sworn officers to a identified trouble areas for an enforcement emphasis.

385.2.3 LIMITATIONS

Volunteers serve in a support role and are not sworn officers. Volunteers will not assume legal authority beyond what is granted any citizen. Volunteers 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. Volunteers will not engage in any confrontation, detentions or arrests. Volunteers will not intentionally make physical contact with a suspected violator except in an emergency situation when necessary to protect themselves or others. Volunteers will not be issued or carry any weapons while on duty.

385.3 VOLUNTEER MANAGEMENT

385.3.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator, who may be a volunteer as well, shall be appointed by the Chief of Police or designee. The volunteer coordinator will work under the Community Service Specialist.

The Volunteer Coordinator is responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other volunteer programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

385.3.2 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator 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, the following:

(a) Traffic and criminal background check.

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(b) Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history.

(c) Employment.

(d) References.

(e) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

385.3.3 SELECTION AND PLACEMENT

No volunteer should begin any assignment until they have been officially accepted for that program and completed all required screening and paperwork. Volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

385.3.4 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment. Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete assigned tasks. They should also receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

385.3.5 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.

385.3.6 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except

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volunteers may choose to wear the uniform while in transit to or from official department assignments or functions.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

385.3.7 ON-DUTY INJURIES
Volunteers who sustain injuries while on-duty will report the circumstance immediately to a supervisor.

385.4 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance. A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member. Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned.

385.5 CONFIDENTIALITY

During the course of their duties, volunteers may have access to, or become aware of, confidential information such as criminal histories, progress of an investigation, plans or investigative files.

Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. 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. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal.

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.

385.6 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

385.6.1 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:

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(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Washington Driver's License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate a Department vehicle using priority response.

385.6.2 RADIO AND MCT USAGE

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MCT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

385.7 CONDUCT / TERMINATION

385.7.1 CONDUCT

All volunteers shall comply with the Code of Conduct and with all orders and directives, either oral or written, issued by the Department.

385.7.2 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.

385.7.3 RESIGNATION

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 Bremerton 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 and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage,taken any drugs or medication or any combination thereof that would tend to adversely affect the officer's senses or judgment.

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 a Bremerton 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. This policy does not prohibit an off-duty officer from intervening in a dispute involving a family member for the purpose of preventing injury.

386.4.3 CIVILIAN NONSWORN 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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Native American Graves Protection and Repatriation

387.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

387.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

387.2 POLICY

It is the policy of the Bremerton Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

387.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

387.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Extreme Risk Protection Orders

388.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

388.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of any firearms.

Ex parte extreme risk protection order – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

388.2 POLICY

It is the policy of the Bremerton Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Department pursuant to such orders.

388.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a person under the age of 18, is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Officers petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

(a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the person.

(b) Identify the number, types, and locations of any firearms that the officer believes to be owned, possessed, accessed, controlled, or in the custody of the person.

(c) Identify any other known existing protection orders governing the person.

(d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Bremerton Police Department.

(e) Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer

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reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing, or receiving a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.94.030; RCW 7.94.050).

388.3.1 NOTICE OF PETITION

When a member of the Bremerton Police Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.94.030).

388.4 SERVICE

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Officers serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing, and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Bremerton Police Department received the order. If the order is issued against a minor under the age of 18, officers should also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement (RCW 7.94.060).

When timely personal service is not completed, the officer should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

(a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.

1. The officer should ensure the original receipt is forwarded to the Records Supervisor.

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(b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.

(c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Supervisor.

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

388.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

388.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring that:

(a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Department that lists outstanding warrants (RCW 7.94.110).

(b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (RCW 7.94.090).

(c) Any proofs of service for notices or orders are filed with the court.

(d) Expired or terminated orders entered into computer-based systems by the Department are removed (RCW 7.94.110).

388.7 COURT-ORDERED FIREARMS SURRENDERS

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

(a) Record the person’s name, address, and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.090).

1. The original receipt is to be forward to the Records Supervisor.

(e) Package and submit the firearms in accordance with the Property and Evidence Policy.

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388.8 RELEASE OF FIREARMS

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

388.9 RENEWAL OF EXTREME RISK PROTECTION ORDER

The General Investigations Unit supervisor is responsible for review of an extreme risk protection order obtained by the Department, to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

388.10 STANDARD FOR ARREST

When an officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100).

388.11 ORDERS TO SHOW CAUSE

When the Department receives notice from the court of an order to show cause, the General Investigations Unit supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 7.94.090):

(a) Fulfilling any additional service requirements for the order to show cause

(b) Providing the court a complete list of firearms surrendered by the person pursuant to the extreme risk protection order that are in the possession of the Department

(c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the extreme risk protection order and that the agency with authority to revoke the license has been notified

(d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the extreme risk protection order is not in full compliance with the terms, including the basis for the belief

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Community Relations

388.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

388.2 POLICY

It is the policy of the Bremerton Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

388.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Kitsap 911 of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Kitsap 911 of their location and status during the foot patrol.

388.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

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(a) Obtaining department-approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to (RCW 43.101.240):

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Operations Division Captain to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

388.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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388.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

388.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

388.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

388.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

388.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Operations Lieutenant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

388.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

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388.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

388.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Department Use of Social Media

390.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

(a) Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).

(b) Use of social media in personnel processes (see the Recruitment and Selection Policy).

(c) Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

390.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

390.2 POLICY

The Bremerton Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

390.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

390.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

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(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

390.4.1 INCIDENT-SPECIFIC USE
In instances of active incidents where speed, accuracy and frequent updates are paramount

(e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

390.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Bremerton Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

390.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review the use of department social media and, when appropriate, report back on the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

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390.7 RETENTION OF RECORDS

The City of Bremerton Custodian of Records will establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

390.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Bremerton, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other division 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.

400.1.2 TERRORISM

It is the goal of the Bremerton Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the General Investigations Unit Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Bremerton Police Department.

400.2.1 CRIME INFORMATION

Criminal information and intelligence reports should be distributed to both divisions within the Department through bulletins, as needed.

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 WATCH BRIEFING

Patrol and investigative unit supervisors are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Information will be kept in the watch briefing room regarding suspect information, intelligence reports and photographs.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Bremerton Police Department 's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.2 POLICY

The Bremerton Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 OTHER PROHIBITIONS

The Bremerton Police Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

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(a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

(b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.

(c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Computer Terminal (MCT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 STATE REPORTING

Subject to any fiscal constraints, the Operations Division Captain should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

402.7 ADMINISTRATION

The Operations Division Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Operations Lieutenant (RCW 43.101.410).

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Watch 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 Departmental Directives or changes in Departmental Directives.

(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.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Operations Lieutenant for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Bremerton Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 SUPPORT SERVICES DIVISION CAPTAIN RESPONSIBILITIES

The Support Services Division Captain is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

406.7 EXECUTION OF HEALTH ORDERS

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

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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 Bremerton Police Department Ride-Along Program is offered to government officials, community leaders, criminal justice students, family members of officers, dispatchers, officers from other agencies, City employees or citizens. Attempts will be made to accommodate interested persons however any applicant may be denied without cause.

Factors that may be considered in disqualifying a Ride-Along applicant include but are not limited to:

- Being under 18 years of age - The Chief of Police or designee may approve an exception to the age restriction down to the age of 16 on a case-by-case basis. All juvenile ride-alongs will be conducted between 0700 and 2200 hours. The parent of the minor complete a waiver form and have their consenting signature witnessed by a Bremerton Police Department member.
- Prior criminal history - Participants/observers must pass a local records or criminal history check conducted by this Department, unless waived by the Chief of Police or designee. Anyone who has been arrested within the last three years shall not be eligible to participate. Other criminal history will be evaluated on a case-by-case basis.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.
- Individuals who receive a negative recommendation from a Department employee.
- Department workload.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Operations Lieutenant. 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.

The Operations Lieutenant, or designee, will schedule a date, based on availability. If approved, a copy will be forwarded to the respective watch supervisor as soon as possible for his/her scheduling considerations.

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.

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410.2.1 PROGRAM REQUIREMENTS

(a) Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Chaplains, police applicants, and all others with approval of the Operations Lieutenant.

(b) An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period.

(c) Rides should be limited to four hours in length unless approved in advance by the Operations Lieutenant.

(d) Riders must provide their own transportation to and from the police department.

(e) No ride-alongs may carry a weapon (including knives, OC spray, etc.) unless they are certified law enforcement officers within the State of Washington or a Federal agent. Any rider who requests to be armed in any manner must have the prior permission of the Chief of Police or designee.

(f) The Operations Lieutenant will brief the Operations Captain on all potential riders.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed. The watch supervisor may refuse a ride along to anyone not properly dressed. Ride-alongs shall not wear:

- Sandals.
- Tank tops.
- Ripped, torn or dirty apparel.
- Clothing that might give the impression that a civilian ride along is a law enforcement officer.
- Clothing that depicts obscene, controversial, or unprofessional words, sayings, slogans, images or graphics.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty employees of this Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Operations Lieutenant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

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. The dispatcher will be advised of the situation

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and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Operations Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Operations Lieutenant with any comments which may be offered by the officer.

410.3.1 RIDE-ALONG BRIEFING

Prior to beginning the ride-along, the rider will be instructed:

(a) In the use of the patrol radio.

(b) On how to open the trunk and the location of the first aid kit and fire extinguisher.

(c) To wear the seat/shoulder belt at all times.

(d) Not to engage in any conversation with violators or prisoners other than general courtesies.

(e) That if the officer is responding to any known dangerous situation, the rider may be let out prior to arrival at the incident and the Kitsap 911 will be advised so transportation arrangements can be made.

(f) To obey all commands given by the officer.

(g) On the availability of a protective vest and its use.

(h) Ride-alongs are not permitted to make audio or video recordings, or take photographs unless previously approved by the Chief of Police.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

(c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

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(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.

410.4.1 TERMINATED RIDE-ALONG

In the event that a ride-along passenger exhibits conduct or appearance traits that could reflect badly upon the image of the Police Department or interferes with the performance of the officer's duties, the officer shall consult the watch supervisor to determine whether or not the ride-along should be terminated. The supervisor has the option of terminating any ride-along if it is in the best interest of the Bremerton Police Department. The officer will return the observer to their home or to the station. Termination of a ride-along requires a memo to the Division Captain giving details and reasons for termination of the ride-along.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

412.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

412.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Sergeant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

412.4 POLICY

It is the policy of the Bremerton Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

412.5 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify Kitsap 911, appropriate supervisors, the appropriate fire department and hazardous response units.

1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.

(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.

2. Driver’s manifest or statements or shipping documents from the person transporting the material.

3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:

(a) The type of material.

(b) How to secure and contain the material.

(c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first-aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

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(j) Activate automated community notification systems, if applicable.

(k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation.

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Clandestine Labs

413.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures that enhance the safety and awareness level of officers who respond to clandestine laboratories and to establish a protocol to be followed if a clandestine drug laboratory is encountered.

413.2 DEFINITIONS

(a) Clandestine drug laboratory - A laboratory used for the primary purpose of illegally manufacturing controlled substances. A clandestine drug lab is typically small in size and utilizes common household appliances, glassware, and readily available chemicals. Such a lab may be found in a variety of locations, such as homes, apartments, hotels, kitchens, bathrooms, garages and other outbuildings, mini-warehouses, and recreational vehicles. In addition, such a lab may contain sophisticated surveillance equipment and/or "booby traps" to prevent law enforcement from gaining access to the lab and to facilitate the destruction of evidence.

(b) Precursor chemical - Substances required for the synthesis of an illicit drug and which is ultimately incorporated into the drug structure. Some precursors are hazardous in their own right, and are regulated through federal and state substance abuse laws.

413.3 DANGERS ASSOCIATED WITH CLANDESTINE LABS

(a) Chemicals used in clandestine labs can be introduced into the human body by skin contact or inhalation and can cause death, neurological damage or severe reaction.

(b) Chemicals used in clandestine labs are highly volatile and can be easily ignited by flame, spark, or gunfire.

413.4 CLANDESTINE LAB INDICATORS

Some of the ingredients or equipment used in a clandestine lab may not appear suspicious by themselves, but several of these items found in combination in the same location could indicate the presence of a lab.

(a) Chemicals or ingredients such as quantities of cold and allergy medications containing ephedrine or pseudo-ephedrine, lye, rock salt, battery acid, lithium batteries, iodine, ether, freon, sodium metal, anhydrous ammonia, lighter fluid, matches, road flares, antifreeze, paint thinner, and drain cleaner are examples of materials used in the manufacture of illicit drugs.

(b) Items or equipment such as mason jars, rubber tubing, coffee filters, gasoline cans, hotplates, camp stoves, and propane cylinders are examples of items used in the manufacture of illicit drugs.

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(c) General indicators such as unusual strong odors resembling ammonia, ether, sulfur, acetone, or other chemical smells, residences or other buildings with windows blacked out, open windows vented with fans, and excessive amounts of suspicious trash are examples of indicators that may be present at a clandestine lab location.

413.5 DUTIES OF INITIAL RESPONDING OFFICERS

(a) Immediately notify the watch supervisor.

(b) Never attempt to enter a known clandestine drug lab except under exigent circumstances. In a life threatening situation, if a decision is made to enter the suspected drug laboratory, it is critical to exit as soon as possible.

(c) If an officer becomes aware that he/she has entered a lab, he/she should attempt to evacuate all persons from the lab for their safety and for investigative purposes.

(d) Avoid turning on or off any light switches, electrical appliances or other electrical devices and avoid touching or smelling any lab equipment or chemicals.

(e) Make a reasonable attempt to evacuate everyone from the vicinity of the lab site, in an upwind direction (i.e., neighboring houses, adjacent apartments, or motel/hotel rooms). Stay upwind.

(f) Administer first aid as needed.

(g) Request Kitsap 911 contact the appropriate agency [WSP / Dept. of Health / Dept. of Ecology] to determine if they can respond and test the quality and safety of the outside air around the lab site, in order to determine a safe distance and area for evacuation.

(h) Secure the area as a crime scene. The responding clandestine lab team will determine the safe distance and may expand or contract the perimeter.

(i) Allow no one to enter or re-enter the site unless he/she is a certified clandestine lab officer. An exception would be exigent circumstances when required for public safety.

(j) Detain or arrest suspects, and interview witnesses who are outside the location, and determine if these people require decontamination or medical treatment.

(k) Minimize exposure to himself/herself and others. Any officer who has inadvertently entered the lab, or who has been exposed to chemicals or vapors, should remain at the scene, outside of the danger area, and wait for medical treatment and decontamination, if necessary.

(l) Prohibit smoking around or near the lab site.

(m) Request Kitsap 911 contact the Washington State Patrol Clandestine Lab Team.

(n) Upon arrival at the lab site, the WSP Clandestine Lab team will assume and maintain control of the scene until the site is processed and rendered safe.

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(o) WSP Clandestine Lab team and/or the HAZMAT Response Team will dispose of all hazardous materials and/or chemicals removed from the lab site. Hazardous materials and/or chemicals will not be brought to the Bremerton Police Department or placed in the Department's Property and Evidence system.

413.6 MOBILE / VEHICLE CLANDESTINE LABS

A clandestine drug lab may be discovered during the stop or search of the vehicle. An officer who suspects that he/she has encountered a mobile clandestine drug lab or hazardous chemicals should:

(a) Immediately remove the occupants of the vehicle, and secure them in an upwind direction. The officer should avoid securing occupants inside the patrol vehicle.

(b) The officer should then follow the procedures set forth in Policy Manual § 413.5.

(c) No attempt should be made to move the vehicle containing the suspected lab.

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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.

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 Bremerton Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages.

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Kitsap 911.

(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 SWAT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

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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.

414.8 IMMEDIATE THREAT TO LIFE RESPONSE

If it appears the hostage taker is in the act of taking, or is about to take, the life of a hostage, on-scene personnel should be prepared to take immediate action in accordance with Policy Manual § 424 - Active Shooter / Critical Incident.

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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 practicable if their assistance is needed:

- Fire Department.
- Bomb Squad.
- Additional officers.
- Watch supervisor.
- Detectives.
- Crime Scene technicians.

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.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure should be followed should a bomb threat call be received at the police facility.

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416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSE TO A BOMB THREAT

(a) The employee handling the call shall ensure that the supervisor is immediately advised and fully informed of the details. The supervisor will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

(b) No radio transmissions will be made in the vicinity of the threatened bomb area.

(c) If applicable, contact the individual who received the threat to obtain additional information, to include:

1. Whether previous threats have been received.
2. Possible motives and/or suspects.
3. Vulnerabilities of equipment and personnel.

(d) The watch supervisor will contact the person in charge of the premises and provide assistance by explaining the options available. Provide information as available to

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the responsible parties in order to assist them in making decisions on searching, evacuation, or reentry. The responsible person(s) may opt for:

1. Evacuation;
2. Search by key employees and/or police; or
3. Take no action.

(e) Decisions to evacuate a place of business shall be made by the person in charge of the premises. Decisions to evacuate schools shall be made by school administrators. The Police Department will have the discretion of ordering evacuation only when the premises are owned by the City or there is reasonably certain knowledge that there is a bomb or explosive device in any structure. If management or the responsible agent does not wish that a search be conducted, no further action of this agency is warranted with the exception of writing an incident report.

(f) Only in cases where a real or suspected explosive device has been detected shall an evacuation be conducted regardless of the desires of building management.

(g) Searches:

1. Officers should consider consulting with, or utilizing the assistance of, employees or others knowledgeable of the contents and layout of the building.
2. If the caller provided a specific time of detonation, the search should be halted thirty minutes prior to that time and resumed no sooner than one hour after. If less than thirty minutes remains to detonation when the call is received, an extensive search should not be conducted and immediate consideration should be given to evacuation.
3. The supervisor may request the assistance of a bomb detection canine and/or bomb disposal personnel in order to assist in conducting the search.
4. A search plan shall be developed identifying the extent of the search based upon the type of establishment, the motivation of the perpetrator and accessibility of the building. Unless information has been received as to the specific location of an explosive device, the search should be conducted from the outside in. An inside search should begin from the lowest level working up.
5. A floor plan shall be obtained whenever possible to assist in performing a systematic search organized by the supervisor.
6. In no case shall Department personnel declare that no bomb is present or in any way make the representation that the building is safe to occupy, no matter how thorough the search.

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Emergency Detentions

417.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

417.2 POLICY

It is the policy of the Bremerton Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

417.3 AUTHORITY

An officer may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; Chapter 302, §67, Laws of 2020):

(a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled

(b) The officer has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

417.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person.

(b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention process, if appropriate.

417.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for emergency detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

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(d) Community or other resources available to assist in dealing with behavioral health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with behavioral health disorders who are suspected of committing minor crimes or creating other public safety issues.

417.5 TRANSPORTATION

When taking any individual into emergency detention, the transporting officer should have Kitsap 911 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.

417.6 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 emergency 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.

417.7 DOCUMENTATION

The officer should complete an application for emergency detention, provide it to the facility staff member assigned to the individual, and retain a copy of the 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 detention.

417.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

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When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for emergency detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

417.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into emergency custody, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

417.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

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Citation Releases

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Bremerton Police Department with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

418.2 POLICY

The Bremerton Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

418.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by an officer whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

[Note: The Bremerton City Attorney has directed that officers not to issue a citation but write an incident report and forward it to their office.]

418.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

(a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).

(b) An officer has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

418.5 CONSIDERATIONS

In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

(a) The suspected offender has identified him/herself satisfactorily.

(b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.

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(c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.

(d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

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Arrest or Detention of Foreign Nationals

420.1 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.

420.1.1 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.

420.2 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.

420.3 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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420.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Washington; but they do occasionally visit the state.

420.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

420.3.3 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.

420.4 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.

420.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "Diplomat" or "Consul." Vehicles owned by honorary consuls are not

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issued OFM license plates; but may have Washington license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

The State of Washington may also issue honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America special plates of a distinguishing color and numerical series.

420.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

420.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.

(c) The identity and immunity status of the individual shall be conclusively established.

(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.

(f) All other claimants are subject to the provisions of the policy and procedures outlined in this chapter.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

420.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification <u>and</u> the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled

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to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual 420.7.

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:

(a)

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Diplomatic Security Service
915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721(206) 220-7723 FAX

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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)

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 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.

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. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

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420.6 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 420.5 of this chapter.

420.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

420.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The watch supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

420.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that

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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.

420.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

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 Kitsap 911 as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Kitsap 911 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 Kitsap 911 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.

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420.7.2 DOCUMENTATION

Officers shall document in the appropriate report, the date and time Kitsap 911 was notified of the foreign national's arrest/detention and his/her claimed nationality.

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Rapid Response and Deployment

422.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

422.1.1 DEFINITIONS

Active Shooter - One or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously inflict death or serious injury on others. Their objective appears to be murder or infliction of serious injury to others rather than other criminal conduct such as robbery or hostage taking. For purposes of this policy, the term "active shooter" will also include anyone who uses any other deadly weapon (knife, club, bow and arrow, explosives, etc.) to systematically or randomly inflict death or great bodily harm to others.

422.2 POLICY

The Bremerton Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

422.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.

(b) Whether to wait for additional resources or personnel, This does not preclude an individual officer from taking immediate action.

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(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

422.4 PRIORITIES

When responding to an active shooter situation, the priorities are, in order of importance:

(a) Locate, stop, delay, or hinder the active shooter from further hostile actions.

(b) Isolate and contain the situation.

(c) Evacuate severely injured. Rescue other victims.

(d) Initiate command and control of the situation.

(e) Protect the crime scene.

422.5 INITIAL RESPONSE

The first officer on scene may engage active shooters / lethal offender(s), if the opportunity presents itself. If not possible, take cover and await the arrival of a second responding officer. While waiting for a second officer, the first officer should, if possible:

(a) Establish that the incident is still in progress.

(b) Locate, isolate, and confine the suspect(s) to the immediate area.

(c) Gather intelligence, obtain information, and assess the situation.

(d) Notify the supervisor.

(e) Identify the safest route to be traveled for responding personnel.

(f) Secure the area and render assistance or arrange for evacuation of the injured, if possible.

(g) Request emergency personnel, as needed, and direct to a safe area.

(h) Request medical, fire, or surveillance equipment, as needed.

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422.6 CONTACT TEAMS

The first responding officers (minimum of two) will form a contact team. Three or four officers are preferable but response will not be overly delayed to await personnel. The primary purpose of the team will be to locate, confront and stop the active shooter as soon as possible.

Contact team members should utilize body armor, ballistic shield, ballistic helmets and rifles, if available. However, the lack of availability of this equipment should not cause delay in commencing contact operations. If not in uniform, team members should be wearing body armor and an outer garment which clearly identifies them, front and back, as police officers.

If the team encounters an explosive device they must report it to the command post, mark it and continue on if able, depending on the situation.

Wounded persons should be by-passed by the contact team as they look to engage the shooter. While it is important to provide medical treatment to the wounded, it is the primary duty of the contact team officers to stop the on-going threat by denying the active shooter(s) access to additional victims.

Once the direction or location of the shooter is determined, the team will move toward the threat to engage the suspect and stop the threat.

The use of target specific suppressive fire toward the active shooter may be necessary, especially if a position of advantage has been gained by the suspect, due to height or barricade. Suppressive fire toward an active shooter is permissible when it appears that no innocent victims are in the line of fire and it is deemed necessary to rescue injured persons.

In the event one of the members of the contact team is seriously injured, the contact team should immediately evacuate from the area or remain in a safe area until another contact team or SWAT can respond to their location.

Once an active shooter has been stopped, the contact team must be aware of the possibility of additional assailants.

In instances when the first contact team has been rendered ineffective, another contact team should be formed to continue the mission. The incident commander may deploy two contact teams simultaneously, but only when adequate physical shielding can be ensured between the teams to prevent crossfire casualties.

If the suspect becomes inactive and ceases his or her behavior, the deployed officers shall notify the Incident Commander. The suspect should be contained and management of the incident should transition to that of a barricaded suspect.

422.7 EVACUATION / RESCUE

As soon as it is safe to do so, the Incident Commander should form rescue teams of available officers to search for and recover individuals in the building. Keep in mind that it is possible that a shooter(s) may have abandoned his efforts in the hope of escape by mingling with innocent persons.

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Due to the changing dynamics of these situations, rescue/recovery teams may come into contact with a suspect and would then act as a contact team.

Rescue team officers should recognize that victims may not respond to verbal commands due to shock or fear. As individuals are located, team members will provide assistance and escort them from the building. Any wounded persons shall be removed from the hostile environment and taken to a triage area of safety where they will receive medical aid. Team members may be required to reenter the building numerous times until all individuals have been evacuated.

422.8 CLEARING TEAM

After the threat has been stopped and evacuation of individuals has commenced, a team of officers should be assigned to methodically search the structure or area for secondary suspects, injured or hidden persons, booby traps, and dangerous conditions. The team should mark "safe" on the entrance door to any area that has been cleared.

422.9 INCIDENT COMMAND

The first supervisor or senior officer to arrive on scene who is not part of the initial contact team will assume the duties of incident commander. The supervisor shall remain incident commander until the incident is concluded or command transfers to another officer. The incident commander's duties include:

(a) Establish a command post and notify CenCom of the location. Announce via the radio and to on-scene personnel that they've assumed Incident Command.

(b) Assessing the situation to ensure the responsibilities of the first officers on scene have been completed.

(c) Determine the best deployment tactics.

(d) Deploy contact, rescue and clearing teams.

(e) Choose a safe staging area for arriving personnel.

(f) Consider evacuation of bystanders and residents of the area.

(g) Ensure inner and outer perimeters have been secured.

(h) Request additional agency resources, as needed.

(i) Deploy additional personnel as they respond.

(j) Establish communications with concurrent jurisdictions or surrounding agencies should assistance be necessary.

(k) Relay information to CENCOM with a status report to responding personnel.

(l) Appoint someone as the recorder of all events in chronological order.

(m) Designate an assembly area, as time permits, for the press and family members of victims who will soon arrive at the scene.

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(n) If necessary, request activation of the Emergency Operations Center (EOC).

(o) Make appropriate school notifications.

(p) Plan for relief of members and the availability of food and drink.

(q) Ensure the development of a roster of all emergency personnel at the scene.

(r) Ensure coordination between the S.W.A.T, Crisis Negotiations Team, support personnel, and other components.

(s) Secure building blueprints or diagrams when the crisis situation is in a building.

(t) When the scene is safe and cleared, post additional responding personnel to protect the crime scene.

(u) Call for appropriate follow-up investigative personnel (detectives, crime lab, etc.) and any other appropriate resources to bring the incident to a conclusion.

(v) Ensure that the scene integrity is protected for crime scene processing.

422.10 PLANNING

The Operations Division Captain should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

422.11 TRAINING

The Operations Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

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(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

422.12 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

422.13 SCHOOL NOTIFICATION

The Operations Division Captain should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

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Immigration Violations

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bremerton Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

426.2 POLICY

It is the policy of the Bremerton Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

426.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Washington constitutions.

426.3.1 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.

426.3.2 SWEEPS

The Bremerton 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.

426.3.3 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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Employees of this Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by an employee of this Department should be based upon the reasonable belief that an individual is involved in criminal activity.

426.3.4 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 given a reasonable opportunity to verify his/her true identity. If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

426.3.5 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).

426.3.6 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may 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 for a reasonable period for the purpose of determining the person's true identity.

426.4 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (RCW 10.93.160):

(a) Inquire into or collect information about an individual’s immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.

(d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.

(e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided

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with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.

(f) Detain individuals solely for the purpose of determining their immigration status.

(g) Take a person into custody or hold a person in custody:

1. Solely for the purposes of determining immigration status
2. Based solely on a civil immigration warrant issued by a federal immigration authority
3. On an immigration hold request

426.4.1 SCHOOL RESOURCE OFFICERS

Members who are school resource officers shall not (RCW 10.93.160):

(a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.

(b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.

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Emergency Utility Service

428.1 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.

428.1.1 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 Kitsap 911.

428.1.2 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.

428.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

428.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Kitsap 911.

428.2 TRAFFIC SIGNAL MAINTENANCE

The City of Bremerton maintains all traffic signals within the City.

428.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Kitsap 911 of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Response to Industrial Accidents

429.1 PURPOSE AND SCOPE

This policy gives guidance for response to industrial or workplace accidents.

429.2 REPORTING

(a) If dispatched to an industrial or workplace accident not involving a vehicle which results in death or serious injury, respond and take an information report. The Washington Department of Labor and Industries (L&I) will conduct the investigation. Reports should be routed to the Department of Labor and Industries.

(b) If dispatched to an industrial or workplace accident involving a vehicle which results in death or serious injury, respond and take an information report. Depending on the location and type of incident, the Police Department may investigate the incident with Labor and Industries.

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Aircraft Accidents

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

432.1.2 DEFINITIONS

Definitions related to this policy include:

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Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

432.2 POLICY

It is the policy of the Bremerton Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

432.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

432.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

432.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

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432.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

432.7 DOCUMENTATION

All aircraft accidents occurring within the City of Bremerton shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

432.7.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

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(e) Acquire copies of any recordings from security cameras that may have captured the incident.

432.7.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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432.8 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

432.9 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

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Response to Airport for Pilot Related Incidents

433.1 PURPOSE AND SCOPE

This policy is meant to serve as a guide in responding to airport, aircraft or pilot related incidents. Generally, the police are asked to respond in order to gather information in a timely manner which is then passed on to the responsible federal agency. The most likely reasons you will be asked to contact a pilot at Bremerton National Airport are:

(a) Airspace violations,

(b) Violation of a temporary flight restriction or

(c) Improper re-entry into the United States from Canada.

433.2 CONTACTING THE PILOT

Officers may be asked to contact and possibly detain a pilot until federal investigators arrive or give other instructions. Pilots are required to have a picture ID and an Airworthiness Certificate and a current Aircraft Registration for the plane.

The Code of Federal Regulations (CFRs) gives officers the authority to inspect these documents. CFR Title 14 Part 61 reads in part:

§ 61.51 Pilot logbooks.

Presentation of required documents.

(1) Persons must present their pilot certificate, medical certificate, logbook, or any other record required by this part for inspection upon a reasonable request by:

(i) The Administrator;

(ii) An authorized representative from the National Transportation Safety Board; or

(iii) Any Federal, State, or local law enforcement officer.

When contacting the pilot and passengers:

- Explain the reason for the contact.
- Collect the listed documents and verify correct contact information.
- A brief interview of the pilot as to where he or she came from and intended destination is appropriate.
- If requested by Federal authorities, make copies of the documents.
- Check to see what the appropriate Federal agency wants done. Frequently, they talk to the pilot over the phone. The FAA may want a copy of your report.

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433.2.1 FAILURE TO COOPERATE

Violations of the type listed in this policy are civil in nature. Refusal of the pilot or passengers to cooperate should be noted and forwarded to the Federal agency that requested the contact. Absent probable cause to arrest, either developed at the scene or relayed by the requesting Federal Agency, the pilot and passengers shall not be arrested or compelled by force to remain on scene.

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Field Training Officer Program

434.1 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 Bremerton 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.

434.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

434.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Demonstrated knowledge and skill in patrol.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors.

434.2.2 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.

434.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Operations Division Captain or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

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(f) Monitor overall FTO Program.

(g) Maintain liaison with academy staff on recruit performance during the academy.

(h) Develop ongoing training for FTOs.

434.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Bremerton Police Department who has successfully completed a CJTC approved Basic Academy.

434.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 400 hours of training.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 320 hours of training.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

434.5.1 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 Bremerton 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 Bremerton Police Department.

434.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

434.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

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434.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

434.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

434.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

434.6.5 FTO BOARD
This Board is comprised of the student's FTO'S, Patrol supervisor, and a Command Staff officer. It shall be the responsibility of the Board to review all reports and evaluations pertaining to the student. Other Department employees having information or observations that would be helpful may be invited to appear. The student need not be present unless desired or required by the Board. The purpose of this Board is to determine:

(a) The officer is prepared to advance to Phase III and be transferred to normal Patrol service;

(b) The officer requires additional time with an FTO and is to be retained in Phase II; or

(c) The officer is not progressing satisfactorily for retention and is referred to the Special Board for a disposition on his/her status.

Findings of the Board are to be documented by the senior member or designee on a memorandum directed to the Operations Captain.

434.7 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 Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

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Contacts and Temporary Detentions

438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

438.1.1 DEFINITIONS

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot, on a bicycle or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk / Pat-down - A technique used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

438.2 POLICY

The Bremerton Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, frisk / pat-down, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

438.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

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suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Bremerton Police Department to strengthen community involvement, community awareness, and problem identification.

438.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

438.4 PAT-DOWN / FRISK

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down / frisk include but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

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Whenever practicable, pat-downs / frisks should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

438.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

438.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

438.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

438.5.3 SUPERVISOR RESPONSIBILITIES

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 is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

438.5.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately documented with an FI or incident report, or other memorandum explaining the nature of the contact. A CD-ROM of the pictures will be placed into Property and Evidence under the FI case number.

438.5.5 PURGING THE FIELD PHOTOS

The Property and Evidence technicians will be responsible for periodically purging and destroying all such photographs in accordance with applicable retention schedules.

438.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

1. When feasible, a statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, [officers/deputies] 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 recorded statement. Such witnesses, if willing, may be transported by department members.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, under the age of 14, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

440.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Bremerton Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

440.1.1 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.

440.2 POLICY

The Bremerton 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.

440.3 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.

440.3.1 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.

440.3.2 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)).

440.4 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.

440.4.1 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 Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Kitsap 911 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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440.4.2 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.

440.5 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 Operations Lieutenant to train members to identify information that may be particularly relevant for inclusion.

440.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

440.7 CRIMINAL STREET GANGS

The Special Operations Group of the Bremerton Police Department is tasked with investigating criminal street gang activity.

440.8 TRAINING

The Operations Lieutenant 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:

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(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 Computer Terminal Use

446.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Computer Terminal (MCT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Kitsap 911.

446.2 POLICY

Bremerton Police Department members using the MCT shall comply with all appropriate federal and state rules and regulations and shall use the MCT in a professional manner, in accordance with this policy.

446.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

446.3.1 MCT SECURITY

Employees are responsible for ensuring the security of the MCT against unauthorized use. If it is believed that unauthorized access has occurred, the employee will immediately notify a supervisor and write a memorandum.

Employees will not use any other employee's login name and/or password to log onto an MCT unit. Employees will not give their passwords to any other persons to use nor will they leave the password in any discernible written form on or near the MCT.

MCTs are protected by approved security software that is maintained by CenCom.

446.3.2 CARE OF MCT

Foods and beverages are not to be placed on the MCT unit. Care is to be taken to ensure no food, beverage, or other substances are dropped or spilled on any part of the MCT unit.

Devices such as pens/pencils, metal objects, etc. shall not be used on the touch screen of the MCT. Only approved touch screen styluses or fingers can be used on the touch screen to avoid scratches/damage.

446.3.3 AUTOMATIC VEHICLE LOCATING (AVL)

AVL allows dispatchers, other officers, and anyone viewing the MCT mapping function to view real time tracking of the patrol unit. The AVL device will not be tampered with, unplugged, blocked or defeated for any reason, unless approved by a supervisor. Should an AVL equipped vehicle not appear on the map the supervisor shall inspect the malfunctioning vehicle and attempt to determine the cause.

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446.3.4 COMPUTER SETTINGS / SOFTWARE
All software and hardware installation, modification, or deletion shall be done by authorized personnel. Users are not permitted to download or install software (i.e., games, music, screen savers, wallpaper, etc.).

Department personnel shall not modify, add or delete any settings, components or files on the MCT unless authorized to do so by the Operations Division Captain or designee.

There may be circumstances when it is necessary for an employee to have access to a computer software application not normally on the MCT in order to facilitate their assigned duties. When this occurs, the Operations Division Captain or designee must approve the loading of all software in writing. All software must be fully licensed for use and free from viruses.

446.3.5 INSTALLATION
The mobile data computers have been mounted outside of the "airbag" zone to prevent injury to the driver or front seat passenger if the airbags were to deploy. For this reason, it is critical that the position of the mobile data computer be directly over the transmission hump and not adjusted.

446.4 RESTRICTED ACCESS AND USE
MCT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MCT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MCT by another member to their supervisors or Shift Sergeants.

Use of the MCT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MCT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MCT system unless directed to do so by a supervisor. Members are required to log off the MCT or secure the MCT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

446.4.1 USE WHILE DRIVING
Use of the MCT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio. 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.

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446.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MCT unless security or confidentiality prevents such broadcasting.

MCT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MCT.

446.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MCT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MCT when the vehicle is not in motion.

446.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

446.6 EQUIPMENT CONSIDERATIONS

446.6.1 MALFUNCTIONING MCT

Whenever possible, members will not use vehicles with malfunctioning MCTs. Whenever members must drive a vehicle in which the MCT is not working, they shall notify Kitsap 911. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

446.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MCTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MCT could cause some devices to detonate.

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Medical Marijuana

450.1 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.005 et seq.).

450.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

Authorization - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

Designated provider - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

Medical use of marijuana - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.
- Is not under supervision for a crime that does not allow for the use of medical marijuana.

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Recognition Card - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

450.2 POLICY

It is the policy of the Bremerton Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

450.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

(a) No medicinal claim is made.

(b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.

(c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

450.3.1 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.

450.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

(a) 48 ounces of marijuana-infused product in solid form

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(b) 3 ounces of useable marijuana

(c) 216 ounces of marijuana-infused product in liquid form

(d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and marijuana seeds from a licensed marijuana producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

450.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

450.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

(a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

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1. The medical condition itself.
2. The quality of the marijuana (chemical content).
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.

(b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, officers should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).

(c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).

(d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).

(e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).

(f) The Washington State Department of Health maintains a Medical Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

450.4 EXCEPTIONS

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

(a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.

(b) Uses or displays medical marijuana in a manner or place open to the view of the public.

(c) Produces fraudulent documentation.

450.5 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

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whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

450.6 PROPERTY AND EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Property and Evidence Room 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 the prosecuting attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Property and Evidence Room Supervisor should return to that person any usable marijuana, plants, drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal.

The Property and Evidence Room Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Room Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the General Investigations Unit Supervisor.

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Bicycle Patrol Unit

452.1 PURPOSE AND SCOPE

The Bremerton Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

452.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

452.3 SELECTION OF PERSONNEL

A position opening announcement will be posted for bicycle officer. Selection for assignment of bicycle officer will be made by the Operations Captain. Personnel shall be evaluated by the following criteria for selection and continued assignment to the unit:

(a) Recognized competence and ability as evidenced by performance.

(b) Excellent work initiative.

(c) Special skills or training as it pertains to the assignment.

(d) Good physical condition. Ability to maintain good health and not suffer from serious medical problems. Strong and agile enough to withstand bicycle officer training and work conditions.

(e) Officers may be required to successfully complete a medical screening to include but not be limited to a physical stress test.

(f) Willing to adjust work schedules to meet the needs of the Department.

(g) Willingness to perform duties using the bicycle as a mode of transportation.

(h) Abide by the Bicycle Unit mission and philosophy as set forth by the Department.

(i) Be able to work in teams.

(j) Be able to self-initiate work and make contacts while on bicycle patrol.

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452.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Division Captain 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 Operations Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

452.4 TRAINING

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will demonstrate proficiency with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

452.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

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452.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped 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 equipped with:

- A police decal on each side of the top tube or down tube or on each side of the bike's saddlebag.
- A headlight rated for a minimum beam intensity of 42 lumens measured at 10 feet.
- Active rear taillight and rear reflector.
- 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 most routine patrol calls.

Each bicycle gear bag should include a first aid kit, tire pump, repair tool, tire tube, security lock. These items are to remain with or on the bicycle at all times.

Each bicycle should be equipped with at least one lamp when used at night.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure 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 memo will be completed and forwarded to the supervisor for action and repair.

Each bicycle will receive yearly scheduled maintenance.

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 by removing or modifying any original or safety components without approval of the bicycle supervisor. Officers may add optional equipment (i.e. cyclocomputer, etc.) at their expense with the approval of the bicycle supervisor. Any additional equipment added by the officer will not be replaced by the department if damaged or stolen.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

452.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such

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operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

All bicycle operations shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted with due regard and caution for the safety of all persons.

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Foot Pursuits

454.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

454.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

454.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

454.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

454.5 RESPONSIBILITIES IN FOOT PURSUITS

454.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

454.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

454.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible;

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the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

454.5.4 KITSAP 911 RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Sergeant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

454.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

(k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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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 support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Automated License Plate Readers

460.1 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 Bremerton 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.

460.1.1 DATABASES

The information download will come from the National Crime Information Center (NCIC) hot file via ACCESS (A Central Computerized Enforcement Service System), currently managed by the Washington State Patrol. NCIC contains national stolen vehicle and plate data published daily by the FBI. The Washington State Patrol (WSP) places the NCIC file on a server available through ACCESS to those agencies that have a specific and signed agreement with WSP to access and use the information. There may be other files local law enforcement may use if a local jurisdiction wishes to upload them. This could include access to local records management systems, parking violations, or warrant data.

460.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Division Captain. The Operations Division Captain will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

460.3 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.

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(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.

460.4 ALPR DATA COLLECTION AND RETENTION

(a) All ALPR recorded data should be maintained on the operator's laptop for a maximum of 24 hours from the end of the Officer's shift during which the data was recorded.

(b) All ALPR data recorded during a shift should be downloaded within 24 hours to an authorized server. Once the data is transferred it shall be purged immediately, or as soon as practicable, from the ALPR laptop.

(c) All ALPR data downloaded to the operator laptop and server must be accessible only through a login/password accessible system capable of documenting who accesses the information by identity, date and time.

(d) Only those with ACCESS Level 1 certification may access ALPR data. All requests for access to stored data must be logged, and a stated purpose for access must be provided.

(e) Requests to review stored data shall be recorded and maintained in the same manner as criminal history logs.

(f) All ALPR data downloaded to the server may be stored for a period up to but no longer than 30 days prior to purging. Data must be purged once the maximum retention period has been reached unless it has become or it is reasonable to believe it will become evidence in a specific criminal or civil action. In those circumstances, the applicable data shall be downloaded from the server onto a CD or other portable technology. It shall be subject to the same logging, handling and chain of custody requirements as other evidence.

(g) Persons approved to access ALPR data under these guidelines are permitted to access the data when there is articulable suspicion that the data relates to an investigation in a specific criminal or civil action.

(h) Notwithstanding any other provisions of law, all electronic images or data gathered by Automatic License Plate Readers are for the exclusive use of law enforcement in the discharge of duties and are not to be made open to the public. However, nothing in these guidelines should be interpreted to limit the use of the electronic images or data for legitimate purposes by prosecutors or others legally permitted to receive evidence under the law.

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460.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Bremerton 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 Support Services Lieutenant and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a 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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Stolen Vehicles

461.1 PURPOSE AND SCOPE

This policy provides guidelines for the handling of reported and recovered stolen vehicles.

461.2 INITIAL REPORT AND ENTRY

Officers taking vehicle theft reports should obtain as much information from the reporting party as possible. If reasonably possible, the owner or reporting party should sign the declaration on the stolen vehicle report prior to the vehicle being entered into NCIC/WACIC. Entry need not be delayed if the owner is unavailable (i.e. out of the area) to sign the declaration.

The owner has the option of consenting to a search of the vehicle upon recovery. If this option is selected, the officer will advise CenCom or the Records Unit so that the consent to search authorization is entered into the notes section of the NCIC/WACIC entry.

Officers should advise the owner/reporting party of the option to have the vehicle impounded upon recovery and, if impound is not authorized, the vehicle may be left where recovered if the owner cannot be reached.

The reporting party should be advised to contact the department if they locate the vehicle and that they should not drive the vehicle until it has been cleared as a stolen from NCIC/WACIC.

461.3 RECOVERY

Officers should determine if the vehicle can be driven and will notify CenCom if both license plates are still attached.

The officer should make a reasonable attempt to process the vehicle for physical evidence depending on the condition of the vehicle and current workload.

The recovered stolen vehicle may be released to the owner at the scene without being impounded if the vehicle has been processed, does not need to be processed, or otherwise held as evidence.

Officers will request that CenCom contact the owner and have the owner respond to the scene to reclaim the vehicle. If the owner is unable to respond within a reasonable time period, the vehicle may be released to another person authorized by the owner.

When the owner cannot respond or be located, the vehicle should be impounded if impound was previously authorized by the owner, the vehicle poses an immediate hazard, or is illegally parked. Officers need not stand by if the owner cannot immediately respond, impound has not been authorized, and the vehicle is legally parked.

If the vehicle was used in a crime, an officer may impound the vehicle to secure it until a search warrant can be obtained or pursuant to any other legal process for the purpose of obtaining evidence.

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Officers shall complete a report to document the condition of the vehicle and the circumstances of the recovery.

Once the recovery is complete, the recovering officer will have CenCom clear the stolen vehicle from NCIC/WACIC.

461.3.1 OUT-OF-AREA RECOVERIES

Upon receiving notification of the recovery of a Bremerton PD stolen vehicle outside the jurisdiction, the officer should contact the recovering agency to obtain details of the recovery. This should include location, arrests, suspects, condition of the vehicle, processing details and the agency's case number. The officer will document the recovery in a supplement to the original incident report. The officer will ensure the registered owner has been notified.

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Homeless Persons

462.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Bremerton Police Department recognizes that members of the homeless community are often in need of special protection and services. The Bremerton Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community (see the Emergent Detentions Policy).

462.1.1 POLICY

It is the policy of the Bremerton Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

462.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

462.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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(e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

(h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

462.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted.

If the personal property is located on private lands, the land owner should be notified of the existence of the homeless person's property on the land. If the property is located on public property, Code Enforcement will be notified.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to Code Enforcement.

Officers who encounter unattended encampments should not remove or destroy property. Officers should notify Code Enforcement for addressing the illegal camping and clean up of the camp.

462.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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462.5 ECOLOGICAL ISSUES

Homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify Code Enforcement and the Health Department when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Public Recording of Law Enforcement Activity

463.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

463.2 POLICY

The Bremerton Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

463.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

463.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

463.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

463.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Watch Sergeants

464.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a sergeant heads each shift. In the absence of the sergeant, the shift corporal will assume supervision of the shift.

464.2 DESIGNATION AS ACTING SUPERVISOR

When a sergeant or corporal is unavailable for duty as supervisor, in most instances the senior qualified officer shall be designated as acting supervisor. This policy does not preclude designating a less senior officer as an acting supervisor when operational needs require or training permits.

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Crisis Intervention Incidents

465.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

465.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

465.2 POLICY

The Bremerton Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

465.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

465.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Captain to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

465.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers, CIOs and any other specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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465.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

465.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

465.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Ensure a CIO responds to the scene if available. Concider the availability of CIOs from other agencies as additional resources.

(d) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(e) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(f) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Captain.

(g) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

465.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

465.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

465.9.2 SUICIDE THREATS OR ATTEMPTS

Officers should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for emergency detention or voluntarily consent to immediate evaluation at a behavioral health facility (RCW 71.05.457).

(a) Referrals should be made to the person by providing the name and phone number of the behavioral health agency and any available handouts.

(b) The officer may notify the behavioral health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a behavioral health agency should be sufficiently detailed regarding the nature of the incident and the person’s behavior, to facilitate the behavioral health agency’s prioritization and nature of their response. The officer should promptly provide a copy of the report to the referred behavioral health agency (RCW 71.05.457).

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465.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

465.11 EVALUATION

The Division Captain designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

465.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).

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Medical Aid and Response

466.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

466.2 POLICY

It is the policy of the Bremerton Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

466.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Kitsap 911 and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Kitsap 911 with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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466.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

466.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

466.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

466.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested.

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466.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

466.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Operations Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Kitsap 911 as soon as possible and request response by EMS (RCW 70.54.310).

466.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

466.8.3 AED TRAINING AND MAINTENANCE

The Operations Lieutenant should ensure appropriate training is provided to members authorized to use an AED.

The Operations Lieutenant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

466.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

466.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Operations Lieutenant.

Any member who administers an opioid overdose medication should contact Kitsap 911 as soon as possible and request response by EMS.

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466.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Operations Lieutenant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

466.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Operations Lieutenant should ensure training is provided to members authorized to administer opioid overdose medication.

466.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

466.11 FIRST AID TRAINING

Subject to available resources, the Operations Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

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First Amendment Assemblies

467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

467.2 POLICY

The Bremerton Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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467.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

467.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Kitsap 911, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

467.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

467.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

467.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

467.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

467.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Tasers should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

467.8 ARRESTS

The Bremerton Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

467.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

467.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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467.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Kitsap 911 records/tapes

(g) Media accounts (print and broadcast media)

467.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

467.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

468.1 PURPOSE AND SCOPE

This policy provides members of the Bremerton Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

468.2 POLICY

The Bremerton Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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468.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consider consulting a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

468.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or he/she may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

468.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

468.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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468.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (RCW 9A.52.105):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

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Suspicious Activity Reporting

469.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

469.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondenc**e.**

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

469.2 POLICY

The Bremerton Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

469.3 RESPONSIBILITIES

The Support Services Captain is responsible for:

- Review suspicious activity information in order to identify any patterns or multiple sightings of possible terrorist activities.
- Notify the Chief of Police.
- Relay the intelligence information to the proper State and/or Federal agency.

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469.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

469.5 HANDLING INFORMATION

All reports of this nature should be forwarded by the shift supervisor to the Command Staff. The Support Services Captain, or designee, should evaluate the information in a timely manner, take any appropriate action, and forward copies of any reports generated to the proper State and/or Federal agency.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 OFFICER TRAFFIC ENFORCEMENT DEPLOYMENT

Officers assigned to the Operations Division are responsible for the enforcement of traffic laws, investigating traffic accidents and for directing traffic when necessary.

All officers assigned to patrol or traffic enforcement functions should emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. Officers should maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, school zones, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS / INFRACTIONS

Citations or Notices of Infraction may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

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(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 criminal traffic citation for DWLS 3rd degree when such violations are committed in the officer's presence or as allowed pursuant to RCW 10.31.100. Citations should not be issued in any other type of criminal traffic case. The case report should be forwarded to the Prosecutor's Office instead. With limited exceptions, the detention in criminal traffic 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.

500.3.4 LEGISLATORS

During the legislative session, legislators are "privileged from arrest in all cases except treason, felony, and breach of the peace" (Art. II, Sec. 16, Wa. St. Cont.). Legislators may be issued traffic citations and they may be taken into custody for the purpose of obtaining a breath test but they should not be incarcerated for infraction or misdemeanor violations during the legislative session.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation for DWLS in the 3RD degree if there are no other charges. On all other suspended or revoked license violations, officers should refer reports to the prosecutors office for charging.

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).

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

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by passing traffic, maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.

Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures, and while at disaster scenes, or anytime high visibility is desirable.

When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

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 Operations Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 HAZARDOUS ROAD CONDITIONS

The Bremerton 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 COMPLAINTS BY CROSSING GUARDS

Crossing guards have the authority to submit reports to this department for certain violations occurring in and around crosswalks (RCW 46.61.275). Generally these reports may be for offenses involving a driver’s failure to stop at a crosswalk or to exercise due care for pedestrians. Reports must be received no later than 72 hours after the violation occurred.

This department will give due consideration and will investigate, to a reasonable degree, reports of violations submitted by crossing guards, in an effort to identify the alleged violator. If the driver

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is identified and there is reasonable cause to believe a violation of RCW 46.61.235(5), RCW 46.61.245(2) or RCW 46.61.261(2) has occurred, a notice of traffic infraction should be issued.

The Traffic Lieutenant shall ensure that appropriate forms for reporting violations are available to crossing guards and that a procedure for investigating the reports received by this department is in place.

500.7.1 NOTIFICATION OF INFRACTION

The Traffic Lieutenant or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator shall contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

500.8 SCHOOL BUS SAFETY CAMERAS

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Bremerton Police Department whenever they occur within the department's jurisdiction.

The Traffic Lieutenant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

500.8.1 NOTIFICATION OF INFRACTION

The Traffic Lieutenant or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

500.9 TRAFFIC DIRECTION AND CONTROL

Officers may take personal charge of traffic control and direct traffic depending on the needs of the incident. When directing traffic, the following rules will be observed:

(a) Officers will ensure that they are visible by utilizing flashlights, flashlight cones, reflective vests, flares and/or other approved warning devices, especially during hours of darkness or adverse weather conditions.

(b) Officers will utilize the police whistle or voice commands depending on the situation.

(c) Officers will use uniform hand signals and gestures for manual traffic direction and control. It is important that officers position themselves so that their hand signals can be seen from a long distance. Two basic hand signals should be used:

1. Officers should use an open hand, palm out sign to indicate "STOP".

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2. To start traffic from a stopped position, officers should point towards the first stopped vehicle. Once the driver's attention is gained, use the other hand to motion the driver to proceed.

(d) When utilizing flares and cones, set them far enough from the collision scene to give sufficient warning to approaching traffic.

(e) Officers should be prepared to stop traffic and give priority to other vehicles that may also be responding to the scene (for example, the Fire Department, tow companies or City Engineering).

(f) Officers assisting at a fire or rescue scene shall ensure that civilian traffic does not interfere with the respective operation. In no case should vehicles be allowed to drive over a fire hose, unless specifically directed by Fire Department personnel on the scene.

500.10 SPEED MEASURING DEVICES

Officers will not operate traffic radar or laser speed measuring devices until they have completed the radar and or laser speed measuring device instruction class and received certification.

The operation of radar or laser speed measuring devices will be in compliance with the manufacturer's recommendations and Departmental instruction by State certified instructors.

Any malfunction of a radar or laser speed measuring device will be brought to the immediate attention of the watch supervisor. Routine maintenance and certification of radar or laser speed measuring units will be done before a new unit is placed into service.

The Electronics Shop will maintain all radar maintenance logs and certification records. The Traffic supervisor will ensure that all radar or laser speed measuring devices are properly maintained and certified in accordance with this policy.

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Vehicle Stops

501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with procedures for stopping vehicles and contacting the occupants.

501.2 POLICY

The basis for a vehicle stop is generally the personal observations by the officer of traffic violation(s), suspicious or unsafe activity by a subject, or reasonable suspicion that the subject or occupants of the vehicle have committed or are about to commit a crime. The stopping of a subject's vehicle constitutes a seizure and is governed by federal and state law. Officers must be guided by the totality of the circumstances, their personal police experience, and current laws.

Officers are reminded that the use of characteristics such as race, color, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation as the determinative factor for taking police action is prohibited and constitutes illegal profiling.

The procedures outlined herein for stopping and approaching a stopped subject's vehicle are intended as general guidlines to provide safety for the officer, the subject, and other users of the roadways. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the subject (e.g., DUI), and the existing volume of traffic may require adjusting or altering the recommended procedure. The Department recognizes that techniques develop and evolve over time. Officers may conduct vehicle stops in a manner consistent with the current methods and techniques as taught by the Criminal Justice Training Commission.

501.3 UNKNOWN RISK STOPS

Officers are reminded that no vehicle stop should be treated as "routine." The level of risk is generally unknown and dependent on the actions of the occupants of the vehicle being stopped. Officers should avoid a complacent attitude that may leave them unprepared for safely dealing with a sudden and unexpected event during the vehicle stop.

(a) When the officer begins the stopping procedure, he or she shall notify Kitsap 911 of the license number, the vehicle description, the number of occupants and the intended location of the stop.

(b) The officer should select the location of the stop, preferably one with good lighting and avoid a stop, if possible, in hazardous areas such as hills, curves, intersections or high traffic volume locations.

(c) The officer should signal the violator to stop. This signal should be with the overhead emergency lights and, if necessary, hand signals, sounding the horn and the siren may be used. These signals also alert other drivers of the intent of the officer and will usually facilitate securing the right-of-way for the stopping maneuver.

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(d) The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder.

(e) On multi-lane roadways, the officer should ensure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

(f) Should the violator stop abruptly in the wrong lane or in another undesirable location, he or she should be promptly directed to move to a safer location. Officers may use the public address system to instruct violators to move to a safer location. If gestures are insufficient for direction, the officer should quickly exit from the police vehicle and give verbal instructions.

(g) The violator should not be permitted to move his vehicle once it has stopped, if it is suspected the driver is impaired.

(h) Once the violator has stopped, if practical and safe to do so, the officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle should be positioned so the left front is offset to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer and other users of the roadway.

(i) The officer should all be alert to passing traffic while exiting from the police vehicle and watchful for any suspicious actions on the part of the occupants in the violator's vehicle.

(j) A right-hand side approach is an acceptable option and is encouraged.

(k) In those cases where the violator's vehicle has occupants in both the front and rear seats, the officer should approach to a point near the leading edge of the left front door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon. From this position, the officer can communicate with the violator and keep all occupants in view.

(l) In the interest of safety, officers should not allow drivers or passengers to:

1. Stand in the traveled portion of the roadway, or
2. Stand between stopped vehicles. Rather, drivers and passengers should be directed to remain in the vehicle or to stand safely off the roadway in a protected area near their vehicle.

(m) In those traffic stops where a second officer assists, the second officer should exit from the vehicle and act as an observer and cover the primary officer. Typically, the two officers will not approach the violator's vehicle from the same side.

(n) At night additional emphasis should be placed on exercising caution in selecting an appropriate place for the traffic stop, signaling the violator and positioning the police

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vehicle. The spotlight may be used to illuminate the interior of the violator's vehicle, and Officers are encouraged to use "take down" lights when available.

501.4 DRIVER / VIOLATOR CONTACT

There are two objectives which the officer seeks to achieve when making traffic stops. The first is to safely take appropriate enforcement action and the second is to favorably alter the violator's driving behavior. Officers should try to make each contact educational, and should leave the violator with the impression that the officer has performed a necessary task in a professional and courteous manner. The following procedures should be used when an officer has contact with a violator:

(a) Be alert at all times for the unexpected.

(b) Be certain that the observations of the violation are accurate and that the elements of the offense are present.

(c) Present a professional image in dress, grooming, language, hearing, and emotional stability. The officer's demeanor with the violator shall be polite and decisive. An officer shall be courteous in behavior, language and tone of voice. The officer should avoid any language designed to bait, ridicule or embarrass. Derogatory language or attempts to verbally bait the officer by the violator shall be ignored except that any such verbal harassment should be noted in the officer's narrative of the citation.

(d) Decide on the appropriate enforcement action based on the violation.

(e) Greet the violator in a courteous manner and inform them of the reason for the stop.

(f) Obtain the violator's drivers license, registration and proof of insurance, along with any other documents which may be pertinent to the traffic stop.

(g) Allow the driver to reasonably discuss the violation.

(h) Be alert for signs of impairment or emotional stress exhibited by the driver.

(i) Take appropriate enforcement action.

(j) If necessary, assist the violator in re-entering the traffic flow.

501.5 UNMARKED VEHICLE STOPS

Officers operating unmarked police vehicles who find it necessary to conduct traffic stops should, if possible, request the assistance of a marked vehicle. Information about the circumstances of the stop or which is relevant to officer safety should be transmitted by the requesting officer prior to the vehicle stop. Officers in plain clothes will clearly display a badge or identification card prior approaching the vehicle.

501.6 HIGH-RISK STOPS

When the occupants of a vehicle are known or suspected to be armed/dangerous or otherwise pose an elevated risk to officers, additional precautions should be taken when stopping the vehicle.

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(a) Prior to initiating a high risk traffic stop, officers will notify CenCom of the location and the reason for the stop and provide a description of the vehicle and occupants.

(b) The suspect vehicle should not be stopped until adequate support is available and in position.

(c) The primary officer will make a reasonable attempt to stop the suspect vehicle in a location that is advantageous to the officers (provides ample space and sufficient lighting) and presents minimal danger to all concerned.

(d) As the suspect vehicle stops, the officer should exercise care in positioning the police vehicle for maximum advantage. The primary unit should be positioned approximately two car lengths to the rear and one-half car width to the left of the suspect vehicle. Backup units should be positioned to the immediate left or right of the primary unit if possible and as circumstances allow.

(e) In periods of darkness, spotlight and high beam headlights should be used to illuminate the suspect vehicle and protect officers. Any backup units positioned behind the primary unit should turn off headlights and spotlight to avoid silhouetting officers.

(f) The primary officer and backup officer(s) should go to a position of cover behind a portion of their police vehicle with firearm ready. The recommended position is for the primary officer to be on the driver's side of the primary police vehicle and for the first backup officer to take a position on the passenger side of the primary police vehicle. Additional backup officers should work in a supporting role to the first backup officer on the scene.

(g) Once primary and backup officers are in position, suspects should be controlled through the use of verbal commands (use of the public address system is recommended). Easily understood voice commands are very important. It is recommended that the primary officer give the verbal commands to the suspects. However, under certain circumstances, a backup officer may be required to give verbal commands. Either is acceptable, but in order to maintain clear communication, only one officer at a time should give verbal commands.

(h) The officer should identify himself or herself as a police officer and give verbal commands to the vehicle occupants:

1. The officer should order all vehicle occupants to put their hands on the interior roof of the vehicle and to remain still until ordered otherwise.

2. The driver should be ordered to shut off the vehicle ignition, remove the vehicle keys and drop them on the ground or place them on the roof of the vehicle.

3. The driver should be ordered to place both hands out the window and to open the door from the outside handle.

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4. The officer should order the driver to exit the vehicle and face away with hands and arms up. The driver should turn completely around and the officer should visually inspect him for any weapons.
5. Commands to the driver should be given to step away from the vehicle and walk forwards or backwards to a location where back-up officers will handcuff and search the suspect. This location should be behind the primary police vehicle. The vehicle occupants should be cleared in this manner, one at a time.
6. When all visible occupants have been removed, handcuffed and searched, the primary officer with a backup should exercise great care in inspecting and clearing the suspect vehicle.
7. The above procedure may have to be tactically modified for vans and other large vehicles, or as the primary Officer determines necessary.

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Traffic Collisions

502.1 PURPOSE AND SCOPE

The Bremerton 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 INVESTIGATION

The duties of an officer responding to a collision include, but are not limited to:

(a) Attending to any injured persons until the arrival of fire department personnel.

(b) Identifying potential or actual fire hazards or other dangerous conditions so that appropriate action may be taken.

(c) Summoning additional assistance.

(d) Protecting the scene, including property that may belong to injured persons.

(e) Establishing a safe traffic flow around the scene.

(f) Identifying and interviewing witnesses.

(g) Investigating the collision and recording evidence.

(h) Taking appropriate enforcement action.

(i) Requesting a tow company remove collision debris from the roadway.

(j) Assess whether drivers may exchange information or if a collision report must be completed.

Traffic collision reports taken by members of this Department shall be forwarded to the on-duty supervisor for approval. Collision reports will be completed the day the collision is reported unless a supervisor has approved the report being carried over.

The Operations Lieutenant or designee will be responsible for quarterly reports on traffic collision statistics.

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 watch.

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502.2.2 ENFORCEMENT ACTIONS
If an accident investigation reveals probable cause to believe a traffic infraction or criminal violation has occurred, the officer shall (utilizing officer discretion based on all information compiled during the investigation) take one of the following courses of action:

(a) Issue a Notice of Infraction/Citation.

(b) Make a custodial arrest.

(c) Issue a written or verbal warning.

(d) Request a summons be issued in those cases where an Infraction/Citation was not issued at the scene.

If an emergency vehicle belonging to a public agency is involved, the driver may be cited for an infraction. Information regarding the accident will be forwarded to the driver's agency for an internal review. Any disciplinary action will be the responsibility of the driver's agency. Any enforcement action will be coordinated between the Bremerton Police Department staff and the driver's agency.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit-and-run violation, or RCW violation. An Incident Report may be taken at the discretion of any supervisor.

502.3.2 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.

(b) When there is an identifiable violation of the Revised Code of Washington.

(c) Property damage exceeding the dollar amount currently established by WSP.

(d) When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will to used to document the collision (RCW 46.52.070).

502.3.3 PROCEDURES WHEN A COLLISION REPORT IS NOT MANDATORY
Officers may assist citizens in the exchange of driver/witness information, scene protection, traffic control, etc. As a matter of courtesy, officers should carry a supply of the State of Washington Motor Vehicle Collision Report in their patrol car.

502.4 NOTIFICATION OF TRAFFIC UNIT SUPERVISOR
In the event of a serious injury or death related traffic collision, the supervisor shall notify the Operations Lieutenant to relate the circumstances of the traffic collision and seek assistance from

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the Traffic Unit. In the absence of the Operations Lieutenant, the Operations Captain may assign an accident investigator or motor officer to investigate the traffic collision.

The on duty supervisor may assign any on duty traffic officer to investigate a collision.

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Employee Involved Collisions

503.1 PURPOSE AND SCOPE

503.2 POLICY

All collisions involving police department employees will be thoroughly investigated to ensure the facts and circumstances of the collision are documented, regardless of the degree of damage, injury or death.

For the purpose of this policy, "collision" shall mean a vehicle unintentionally impacts, or is impacted by, another vehicle or object (including striking or running over animals, objects, terrain or curbs) which causes damage to the vehicle or object.

If the impact is intended, (i.e. P.I.T or intentional use of a vehicle as deadly force), the impact will not be considered a collision. Intended vehicle impacts will be fully investigated as uses of force, pursuit interventions or as appropriate under the circumstances.

503.3 RESPONSIBILITIES

Employees involved in a collision while on-duty or driving a City owned or leased vehicle will notify CenCom of the collision and its location and request aid for any injured persons.

A supervisor shall respond to the scene of the collision unless distance or other exigent duties prevent the supervisor from responding. The supervisor will facilitate reporting and documentation of the incident including photos of the scene.

503.4 COLLISIONS OUTSIDE THE CITY

Any member of the department involved in a traffic collision while on-duty or operating a City-owned or leased vehicle outside of the City limits shall, by the quickest means possible, notify the appropriate law enforcement agency to investigate the collision.

The employee will notify their supervisor as soon as possible (preferably while still at the scene) of the collision and advise them of the circumstances surrounding the collision. The employee will also complete the necessary reports upon return to the city.

Employees should immediately contact the supervisor to report any collision occurring at home on private property, whether the city vehicle was occupied or not.

503.5 INVESTIGATING AGENCY OR UNIT

The Washington State Patrol, or another law enforcement agency, shall investigate all collisions involving department employees or city officials meeting the accident reporting threshold as established by R.C.W.46.52.030. Collisions not meeting the accident reporting threshold as established by R.C.W.46.52.030 may be investigated by the Bremerton Police Department with command staff approval.

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For those collisions being investigated by another agency, the Traffic Unit may be directed to assist or conduct a concurrent investigation of the collision.

503.6 COLLISION REPORTS

A SECTOR or Washington State Collision Report should be completed on all employee involved collisions resulting in injury or damage to property which meets the accident reporting threshold as established by the Chief of the Washington State Patrol (R.C.W. 46.52.030).

An incident report, including a diagram and photographs, may be taken in lieu of a traffic collision report when the collision does not meet the accident reporting threshold established by R.C.W. 46.52.030.

Collision damage to unattended City vehicles shall be documented as appropriate for the location and circumstances (amount of damage, hit & run, etc.).

Copies of all reports are distributed to the Operations lieutenant and the Risk Manager.

503.7 OTHER REQUIRED REPORTS

A Damage to City Property Report is required for all employee involved collisions.

503.8 COLLISION REVIEW BOARD

Collisions which cause vehicle or property damage or injuries and involve Police Department employees operating City or City-leased vehicles will be reviewed by the Collision Review Board.

The CRB will also review “driving incidents” that are not collisions as defined by Policy Manual 503.2, but where careless or negligent vehicle operation resulted in delayed response or immobilized or unserviceable vehicles. The CRB’s findings in non-collision driving incident cases will not go in the officer’s collision file but will be forwarded to the Chief of Police. The Chief of Police may propose corrective action or discipline in accordance with the provisions of Policy Manual 1021 - Discipline.

The CRB collision review will be conducted within the following parameters:

(a) The amount of damage or cost of repair is not a determining factor in review of collisions. All collisions are subject to review.

(b) Properly parked police vehicles that are damaged by another vehicle will not normally be the subject of review.

(c) Normal "wear and tear" damage (i.e. minor scratches, rub marks or stone chips) that occurs in the police parking lot is not reviewed by the CRB.

(d) Collisions occurring while the vehicle is being operated as an emergency vehicle, including vehicle pursuits, are subject to review.

The Collision Review Board (CRB) will be composed of the following members:

(a) Lieutenant (or Captain if a lieutenant is unavailable).

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(b) Sergeant

(c) Officer

The Lieutenant will select the sergeant and officer members of the CRB. All members of the CRB have equal voting authority. All investigative reports and evidence regarding the circumstances surrounding the collision will be reviewed by CRB members. Collisions that may be the subject of a criminal action are not reviewed by the CRB until the matter is closed.

The Lieutenant will ensure the investigative package includes:

(a) A case number.

(b) Estimated cost of damage to all vehicles and/or involved structures.

(c) Forms that are completed properly.

(d) Photographs.

(e) Reports.

(f) Diagrams.

(g) Witness statements.

(h) Any other relevant evidence.

After all pertinent reports, evidence and details have been reviewed, the CRB will determine the following:

(a) Was the collision investigation adequate and complete?

(b) Was the collision preventable or non-preventable?

1. Non-preventable: Any collision where the employee was following department policy, driving in a legally appropriate manner, exercising due caution, and using proper defensive actions but the collision occurred anyway through no fault of the employee.

2. Preventable: Any vehicle collision which was avoidable had the driver used prudent caution, defensive driving and/or followed department policies, procedures, rules and regulations. Preventable collisions include those instances where the driver failed to recognize hazardous conditions, including roadway conditions, failed to take appropriate action to maintain control of the vehicle or when they failed to drive within the confines of their personal capabilities or the limitations imposed by each vehicle's design and handling characteristics.

Following review of the collision, the lieutenant will forward all investigative material and the CRB findings to the Chief of Police for disposition. The Chief of Police will determine the appropriate action.

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503.9 RE-TRAINING

City Policy 5-20-2 requires that all city employees who have been involved in two or more preventable collisions within a two year period must participate in a driver improvement class within two months of the last collision.

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Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Bremerton 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. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Kitsap 911.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Bremerton. The officer will then store the vehicle using the Uniform Washington State Tow/Impound and Inventory Record.

510.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.3 OPERATIONS OFFICE ASSISTANT RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Bremerton Police Department, the Operations Division office assistant will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)).

510.3 TOWING SERVICES

The City of Bremerton periodically selects a firm to act as the official tow service and awards a contract to that firm (See Bremerton Municipal Code 9.10). This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

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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 (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2)).

(b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.

(c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.

(d) Whether the vehicle can be secured.

(e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.

(f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).

(g) Whether the owner/operator requests that the vehicle be stored.

(h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

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.

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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.

510.7 IMPOUNDS AUTHORIZED

Bremerton Municipal Code 10.08.020, authorizes a police officer to impound a vehicle for:

(a) Incidents and circumstances as set forth in RCW 46.55.113;

(b) Parking violations set forth in RCW 46.61.570;

(c) Parking violations set forth in the City's Parking Code,

(d) Any other violation for which a vehicle impound is authorized by law. (Ord. 5216 §1 (part), 2013)

510.8 IMPOUNDMENTS FOR DRIVING WHILE LICENSE SUSPENDED

Under Bremerton Municipal Code 10.08.03, a vehicle is subject to summary impoundment at the discretion and direction of a law enforcement officer as authorized pursuant to RCW 46.55.113 whenever the driver of a vehicle is arrested for:

(a) A violation of driving while license is suspended or revoked pursuant to RCW 46.20.342, or,

(b) Operation of motor vehicle under other license or permit while license is suspended or revoked pursuant to RCW 46.20.345.

510.9 NUISANCE VEHICLES

Under Bremerton Municipal Code 10.10.110, if any person fails to respond to three (3) or more outstanding infractions for parking a vehicle in violation of the ordinance, the City Attorney may mail a declaration of vehicle nuisance to the registered and legal owners of said vehicle. If the registered or legal owner fails to respond as required by the statute and/or the vehicle is otherwise declared a nuisance, the Police Department or its designee may impound or immobilize said vehicle.

If impounded or immobilized, the vehicle shall not be released until the Police Department, or its designee, or towing company receives a receipt or other notice from the court showing that all infractions and crimes relating to standing, stopping or parking the vehicle have been paid or otherwise resolved.

An officer will only impound or immobilize under this B.M.C. at the direction of the appropriate City official and after consultation with their supervisor.

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510.10 ABANDONED VEHICLES

The extended presence of an abandoned vehicle creates a public nuisance. When an officer has reasonable grounds to believe a vehicle has been abandoned, the officer should notify the City-contracted parking enforcement.

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Bremerton 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.

The Washington State Patrol provides forms and formats for advising the suspect of Miranda rights, implied consent warnings, and field sobriety tests. They also provide forms for the administration of the breath test (BAC Verifier). The Traffic Lieutenant may also develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using an incident report and these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Washington or another jurisdiction.

(g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

514.4 FIELD TESTS

The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

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514.4.1 PRELIMINARY BREATH TEST

The following PBT instruments are approved for use in the state of Washington as breath alcohol screening devices, subject to the requirements outlined in the following sections:

- Alcosensor III (Intoximeters, St. Louis, MO).
- Alcosensor FST (Intoximeters, St. Louis, MO).

Preliminary Breath Test (PBT) instruments are approved for use in establishing probable cause that a subject has consumed alcohol. The operator must be trained in the use of the PBT and perform the test according to the policies and procedures approved by the state toxicologist. The operator will perform the following test protocol:

(a) The operator shall advise the subject that this is a voluntary test, and that it is not an alternative to any evidential breath alcohol test.

(b) The operator shall determine by observation or inquiry, that the subject has not consumed any alcohol in the fifteen minutes prior to administering the test. If the subject has consumed alcohol during that period, the officer should not administer the screening test for probable cause purposes until fifteen minutes have passed. If the subject responds that they have not consumed any alcohol in the last fifteen minutes, the officer may offer the subject the opportunity to provide a breath sample into the PBT.

(c) Ensure a blank test result is obtained.

(d) Have the subject exhale into the mouthpiece with a full and continuous exhalation.

(e) Observe the results.

PBTs must be certified at least every six months. Certification of PBTs can be performed by employees or persons certified by the state toxicologist as PBT technicians, or by factory authorized representatives, provided that the protocol for certification approved by the state toxicologist is followed. Persons certified as PBT technicians must renew their certifications every three years.

The certification and use of preliminary breath test (PBT) is governed by WAC 448-15.

514.4.2 DRUG RECOGNITION EXPERT

Drug Recognition Experts (DRE) are individuals who have successfully completed all training requirements for certification established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration. If an officer has reason to believe that a driver is impaired by drugs based on experience, training, odors or lack of odors, observed impairment not consistent with PBT or BAC or other evidence, the investigating officer should request a DRE.

When the evaluation is complete, the DRE will notify the arresting officer of the results of the evaluation.

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514.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

(a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.

(b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).

(c) The officer has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person’s system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

514.5.3 STATUTORY NOTIFICATIONS
An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

514.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

(a) Advise the arrestee of the requirement to provide a sample.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

514.6.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

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(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

514.7.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

(a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.

(b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).

(c) Advise the person that his/her license or permit is a temporary license.

(d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:

1. The officer had reasonable grounds to believe the person was DUI.
2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.

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(e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

514.7.3 ADDITIONAL TESTING

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

514.8 REPORT TRANSMITTAL RESPONSIBILITIES

The watch supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any officer who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.10 TRAINING

The Operations Lieutenant 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 Operations Lieutenant 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 Operations Lieutenant shall be responsible for the development and design of all Department (hard copy) traffic citations in compliance with state law and the Judicial Council.

The Operations Division office assistant will keep a log listing all citation books and noting which officer they were issued to.

The Records Unit shall be responsible for the accounting of all issued and/or voided traffic citations issued by employees of this department.

516.2.1 NOTICE OF INFRACTION (NOI) BOOKLETS

Hard copy citations will be kept in the Operations work area and must be issued by a supervisor. The supervisor will ensure that the officer completes the front portion of the citation book and returns it to the supervisor. The supervisor will forward the tracking sheet to the Operations Division office assistant to ensure accountability for all existing citation booklets.

516.2.2 SECTOR CITATIONS

Officers should only request the number of citations they believe they will need from SECTOR.

The SECTOR administrator is responsible for accounting for all SECTOR citations.

The WSP/SECTOR Administrator will void all citations at the end of the year which have not been issued.

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 to dismiss a citation shall be referred to the Operations Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Operations Lieutenant may request that the City Attorney's office review for possible dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. The appropriate Division Captain will be notified any time a request for dismissal is being sought.

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 that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Captain for review.

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516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation.

(a) SECTOR infractions - Officers may use the void function within SECTOR, providing that they have not issued the citation and/or the violator was not served with their copy of the citation. The officer voiding the SECTOR citation shall note on the citation why the citation is being voided.

(b) Hard Copy infractions - When an officer voids a hard copy NOI he/she will write "VOID" across the face of the ticket. All four copies of the citation will be submitted to the Watch sergeant for approval and routing. All four copies of the citation should be forwarded to the Records Division.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by employees of this Department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this Department, all employees issued traffic citations books shall return any unused citations to the Records Unit.

516.6.1 DISPOSITION OF TRAFFIC CITATIONS (SECTOR)

Once an officer has issued a SECTOR citation, he or she will affix an affidavit and perform a send/receive to route the citation to the SECTOR server.

Officers must complete an affidavit on all traffic citations, including infractions stemming from a collision when no I-LEADS report has been completed. Simply referencing a Police Traffic Collision Report is not a sufficient affidavit for court purposes.

516.6.2 DISPOSITION OF HARD COPY TRAFFIC CITATIONS

The original, court and officer copies of all traffic citations issued shall be forwarded to the employee's immediate supervisor for review.

The Notice of Infraction (NOI) is a four part document. In cases where the officer has issued the violator their copy of the citation, the face sheet and court copy of the citation will be forwarded to the appropriate court. The Officer's copy will be forwarded to the Records Unit.

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In cases where the officer has requested that the citation be mailed to a violator, the face sheet, court copy and violator's copy will be forwarded to the court and the officer's copy will be forwarded to the Records Unit.

516.7 JUVENILE CITATIONS

Juvenile violators that are sixteen (16) years of age or older should be treated as adults for the purpose of traffic related enforcement. Juveniles under the age of sixteen will not be issued traffic citations. Information regarding the violation will be forwarded to the Kitsap County Prosecutor's Office in the form of an offense report.

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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 is not considered a mechanical repair.

520.3.2 JUMPER CABLES

Due to the computer and other emergency equipment located in a patrol vehicle, officers shall not use jumper cables with a marked patrol vehicle to jump start a vehicle. When dealing with dead batteries, officers should consider calling a tow company or locksmith for private vehicles and the City Garage for City vehicles.

520.3.3 VEHICLE LOCK-OUTS

Due to the possibility of damaging a vehicle officers shall not, excluding exigent circumstances, use slim jims, lock picks or similar devices to unlock vehicles. When dealing with private vehicle lock-outs, officers should consider calling a tow company or suitable roadside assistance provider (AAA).

520.3.4 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.5 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary

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to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 POLICY

It is the policy of the Bremerton Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

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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, officers 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

Other than the exception described below in this section, employees are not authorized to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Attorney's Office only as authorized by a Division Captain or the Chief of Police.

This section is not intended to prohibit an investigator making a favorable recommendation to the prosecutor's office on behalf of a cooperating defendant who substantially aided law enforcement during the course of a criminal investigation.

600.3 CONSTITUTIONAL MATTERS

All employees of the Bremerton 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

Officers should consider electronically recording a custodial interrogation, or any investigative interview, 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 General Investigations 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 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.

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(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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General Investigations

601.1 PURPOSE AND SCOPE

The General Investigations Unit is responsible for the investigative follow-up of felony crimes.

601.2 SUPERVISORY RESPONSIBILITIES AND DUTIES

The Supervisor will:

(a) Review initial reports, information and/or referred cases. The supervisor will then:

1. Screen cases,
2. Assign cases for investigation,
3. Refer cases to other units or agencies or,
4. File as inactive.

(b) Ensure that no cases are being worked independent of supervisory authority.

(c) Liaison with other agencies, ensuring that there is a sharing of information as needed.

(d) Ensure that the unit works within the geographical limits of it's jurisdiction and, if the need to expand beyond those boundaries is necessary, proper notification and approval will take place with the affected agency.

(e) Not allow the assignment of Bremerton Police personnel to another agency without the approval of the Division Captain.

(f) Maintain a liaison with the Prosecutor's Office to ensure that there is continuing communication regarding cases being worked.

(g) Review all cases assigned to the investigator on a bi-monthly basis to determine:

1. Viability of continuing with the case.
2. When the case will be completed.
3. What investigative steps remain to be completed.
4. If case should be referred to another agency.
5. If case should be closed for lack of activity.
6. If case should be sent to the Prosecutor's Office for reviewing and or filing of charges.

(h) Ensure that all unit records are maintained according to these policies as well as the laws of the State of Washington.

(i) Maintain accurate and up-to-date statistical information developed by the unit.

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601.3 CASE MANAGEMENT

601.3.1 ASSIGNMENT OF CASES

All preliminary reports forwarded to the G.I.U. shall be reviewed by the unit supervisor prior to assignment to investigative personnel.

The supervisor will assign cases based on caseload and staffing considerations. The supervisor will use a system of case screening based upon the following solvability factors in order to apply available manpower to those offenses which are most likely to be cleared:

(a) The suspect is named.

(b) The suspect can be identified.

(c) The address of the suspect is known.

(d) The suspect can be located.

(e) The suspect vehicle license plate is known.

(f) The suspect vehicle can be identified.

(g) There was traceable property taken.

(h) Latent fingerprints, DNA or other evidence was obtained.

(i) A significant Modus Operandi can be developed.

(j) There was limited opportunity to commit the crime.

(k) There is reason to believe the crime would arouse such public interest that the public assistance would lead to crime solution.

(l) There is reason to believe further investigative effort would lead to the solving of the crime.

The unit supervisor may authorize a follow-up investigation despite the absence of sufficient solvability factors when the following circumstances exist:

(a) Public safety issue.

(b) Related incidents establish a pattern of crimes.

(c) Multiple incidents involving the same victim.

(d) Seriousness of the offense.

(e) Cases of significant community importance.

The unit supervisor may assign cases based on an individual's specialized training or demonstrated proficiency in a particular investigative area.

The supervisor may assign both criminal and non-criminal cases to General Investigation Unit detectives.

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When assigning a case for follow-up, the supervisor will enter the appropriate information into the case assignment log book or the records system case management module.

601.3.2 CASE STATUS, TERMINATION AND COMPLETION
The supervisor will authorize the status or change in status of each case. Status Categories:

(a) Open: Indicates a case is assigned and is actively being investigated.

(b) Closed: Indicates a case has been satisfactorily concluded by one of the following:

1. Arrest: The suspect has been identified and it has been determined that there is probable cause to charge the suspect with a crime. The case is considered an arrest if:

   (a) The suspect is physically arrested,

   (b) There has been a request for an arrest warrant, or

   (c) A probable cause statement has been sent to the Prosecutor requesting charges.

2. Prosecutor Review: The suspect has been identified and it has been determined that there may or may not be probable cause to charge the suspect with a crime. The report will be sent to the Prosecutor's Office for review in the following cases.

   (a) A victim's verbal criminal complaint with no supporting evidence.

   (b) Varying accounts by victims, witnesses, and suspects.

   (c) Inconsistent or non-credible accounts by a victim.

   (d) All sex related cases and child assault cases will also be forwarded to the prosecutor.

3. Unfounded: The investigation reveals that the crime either did not occur or the event occurred, but no crime was committed.

4. Inactive: A suspect has not been identified or the suspect is identified but there is not probable cause to arrest the suspect. This case may be reopened and investigated further if new information or evidence is discovered.

5. Other: This status may be used when no person can be held criminally responsible. Such investigations may include natural death, suicide, accidental death, located missing persons, located runaways, and resolved suspicious situations. This case status may also be used when closing a non-criminal or administrative investigation which may include a back ground investigation, internal investigation, or laboratory requests.

6. Forwarded to Other Agency: The incident did not occur in the City of Bremerton or another agency is the appropriate investigative agency. In this case, the

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report, as well as all follow-up information, has been sent to that agency for investigation.

Once the investigation is completed and reviewed, the supervisor will record the case disposition in the case assignment log book and/or the case management module.

Upon conclusion of the investigation, the victim will be notified, when appropriate, of the case status either by letter, phone call, or in person.

601.4 CASE INVESTIGATION

Once assigned a case, the investigator will conduct a thorough investigation including but not limited to the following:

(a) Review and analyze all previous reports prepared during the preliminary investigation.

(b) Conduct additional interviews and/or interrogation of victims, witnesses, or suspects.

(c) Search for, collect and preserve available evidence.

(d) Submit evidence to crime lab when appropriate.

(e) Review Departmental and other records sources for investigative information.

(f) Seek additional information from other sources (i.e., fellow investigators/officers and sources of information within the community.)

(g) Determine involvement of suspect(s) in other crimes.

(h) Check suspects' criminal history.

(i) Prepare probable cause statements.

(j) Thoroughly document all actions taken in the investigation.

(k) Prepare case for trial court presentation by consulting with the Prosecuting Attorney's office.

601.4.1 HANDLING VICTIMS AND WITNESSES

When a case is assigned to a detective for follow-up, the detective will:

(a) Make preliminary contact with the victim/complainant for the purpose of advising them that they will be handling the investigation.

(b) Obtain any additional information the victim/complainant may have in regards to the case.

(c) Ascertain the willingness of victims and witnesses to cooperate and follow through with prosecution.

(d) Detectives will maintain periodic contact with victims and witnesses. They will advise victims of the status of the case and any changes to include the closure of the case.

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601.4.2 INTERVIEW ROOMS

The Bremerton Police Department maintains a facility for interviewing suspects, witnesses, victims and juvenile offenders. The interview rooms are not secure rooms and therefore all suspects and offenders should be kept under continual supervision while at this facility.

(a) The interview room should be kept clean and clear of nonessential items.

(b) Officers may secure their weapons prior to conducting an interview.

(c) Offenders and suspects should be searched just prior to entering the interview room.

(d) Panic or duress buttons are located in each room and may be used to summon assistance in an emergency.

(e) Violent or combative subjects will not be interviewed at the Police Department but should be taken to the Kitsap County Jail for interviewing.

(f) The interviewing officer is responsible for the safety and welfare of the interviewee and will provide access to water, restrooms and comfort breaks as necessary during the interview process.

(g) Generally, no more than two officers should be present inside the interview room during questioning.

(h) Interviews may be electronically recorded using the available equipment.

601.4.3 CASE FILES

The investigator assigned the case will be expected to develop an investigative plan and to manage all reports and documents related to the case. The investigator will record the progress of the case in report form.

Investigators shall maintain and update case files on incidents currently under investigation. The case officer will complete periodic supplement reports. Case files are reviewed periodically with the supervisor.

Investigative case files will be maintained by the investigator in an accessible location so that they may be inspected by their supervisor or be available to another investigator who may need to refer to the case while the case investigator is out of the office.

601.5 OPERATIONS

601.5.1 DAILY WORK ASSIGNMENTS

It is the responsibility of each investigator assigned to General Investigations to have a clear understanding of what their current assignments are. This will be reinforced by the bi-monthly review of case assignments by the supervisor with the individual investigators.

601.5.2 ACTIVITY ACCOUNTABILITY

It is the responsibility of each detective to work diligently on the cases assigned to them. Cases will not be allowed to remain open if not actively being worked unless waiting on lab results. Case

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reports should be completed as soon as practical. Accountability will be addressed in a case review between supervisor and investigator.

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Special Operations Group

603.1 PURPOSE AND SCOPE

The primary mission of the Bremerton Police Department Special Operations Group (SOG) is to coordinate and lead the efforts against drug, vice, organized crime and gang-related crimes within the City of Bremerton. Officers assigned to the unit will address criminal activity in a variety of manners that could include, but is not limited to: high-visibility assignments, plain clothes work, uniform assignments, undercover assignments, surveillance, arrest and warrant services.

603.2 SUPERVISION

The SOG supervisor is responsible for all operations and activity conducted by the unit in addition to normal supervisory duties associated with the Bremerton Police Department and its personnel. The SOG supervisor reports directly to the support services lieutenant or captain. In this section, the term “Supervisor” refers to the unit’s sergeant and/or corporal.

603.2.1 SUPERVISOR DUTIES

(a) Direct the day-to-day activities of the Unit, including:

1. Assignment of investigations and other tasks.
2. Scheduling of personnel.
3. Review and approval of investigative reports.
4. Determination whether to continue or close cases.
5. Supervision and evaluation of personnel.
6. Coordination and assignment of personnel training.
7. Management of confidential funds including a review of detective's ledgers, receipts and funds. These reviews should be accomplished on a monthly basis.
8. Operating within unit budget.
9. Prepare activity reports for presentation and review by the command staff.
10. Maintain regular contact with the Prosecutor's Office.
11. Maintain a professional and cooperative working relationship with other agency drug units,
12. Ensure that proper notification and approval will take place when working outside the jurisdiction.
13. Ensure that unit records are maintained according to these policies as well as the laws of the State of Washington.
14. Collect and maintain accurate and up-to-date statistical information about the unit.
15. Assist in the selection process of new unit personnel.

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16. Provide input to the support services lieutenant or captain on rotation of personnel.
17. Perform periodic inspections of the unit. These inspections may include office space, SOG property and vehicles, case files, informant files, employee files and evidence records.
18. Oversee confidential informant program.
19. Oversee asset forfeiture.
20. Approval of unit expenditures.

603.2.2 DETECTIVE DUTIES

(a) Conduct investigations of drug, gang, gambling or vice crimes, or other investigation as assigned.

(b) Self-initiate criminal investigations.

(c) Thoroughly prepare cases for prosecution.

(d) Work undercover in order to purchase drugs or gather evidence.

(e) Develop and work with informants.

(f) Maintain investigative funds and expenses in accordance with policy.

(g) Conduct surveillance.

(h) Organize and conduct search warrants.

(i) Prepare asset seizure and forfeiture cases.

603.3 CONFIDENTIAL INFORMANTS

See Confidential Informants Policy

603.4 NARCOTICS INVESTIGATIONS

Once a drug case has been assigned for investigation, the following guidelines will be followed:

(a) All cases will be properly logged in the SOG case assignment log.

(b) A "three-buy limit" will be in place for any one case. Additional buys will require supervisory approval.

(c) Supervisory approval is required for all buys and informant payments and expenses.

(d) Supervisory authority is required for all seizures and intended forfeitures.

(e) Initial case management is the responsibility of the individual investigator. Cases are to be worked and completed in a timely manner. The time frame is to be established by the supervisor and investigator during monthly review.

603.5 VICE AND ORGANIZED CRIME INVESTIGATIONS

Organized crime and vice investigations will be conducted by SOG as approved by the unit supervisor.

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603.6 OPERATIONS

603.6.1 DAILY WORK ASSIGNMENTS AND PROACTIVITY

Employees agree, as a condition of assignment to SOG, to work irregular hours and varied work schedules, subject to applicable provisions of the collective bargaining agreement.

Employees are expected to be available for duty during their assigned duty hours. Regular duty hours do not include commute time to and from the assigned duty station. Employees will notify the supervisor of schedule conflicts.

Officers assigned to SOG are expected to demonstrate proactive initiative in developing informants, sources and cases to work.

The supervisor may issue assignments to be accomplished during their shift. Additional tasks accomplished by each officer will be based on current case load, on scene contacts, informant information, or requested assistance from the patrol or investigative supervisors.

When assigning a case investigation, the SOG supervisor will enter the appropriate information into the case assignment log. Once the investigation is completed and reviewed, the supervisor will record the case disposition in the case assignment log.

It is the responsibility of each detective to account for their activity. The unit supervisor will monitor the detective's activity.

Cases will be investigated to the best of the investigator's ability. It is the responsibility of each investigator to advise the unit supervisor of all new complaints before an investigation is initiated.

603.6.2 DECONFLICTION

The nature of the drug trade has resulted in a flexible response by law enforcement where narcotics units frequently operate in the jurisdiction of another agency. The objective of deconfliction is to prevent officers from unknowingly conducting undercover transactions against one another, coordinating an event on the same suspect at the same time or interfere with each other's investigations. The worst case scenario in a failure to deconflict is a friendly fire incident where a detective is injured or killed by an officer from another agency.

To prevent unsafe conflict:

(a) Out-of-area search warrants, arrests, undercover buys, and surveillance will be cleared or deconflicted with local police, local Task Force, HIDTA, or Western States Intelligence Network (WSIN).

(b) A uniformed presence from the local agency in a marked patrol vehicle will be requested during search warrants.

(c) If there is a conflict, SOG will work together with the agency to resolve the conflict.

(d) If the conflict can not be resolved, the planned activity will be postponed.

(e) When appropriate, SOG will turn over the investigation to the agency having jurisdiction.

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603.6.3 PERSONAL APPEARANCE AND ATTIRE

Detectives assigned to SOG will either be assigned to wear plain clothes or the standard patrol uniform as directed by the unit supervisor. When wearing a patrol uniform, wearing a protective ballistic vest will be mandatory. Wearing of a protective ballistic vest by plain-clothes detectives is optional and/or at the direction of the unit supervisor.

When in plain clothes, detectives may be directed to wear the prescribed unit outer-wear that clearly identifies the wearer as a police officer.

603.6.4 UNDERCOVER OPERATIONS

Undercover operations occur when a sworn law enforcement officer works in plainclothes and in a covert manner in order to make personal contact with another person in a criminal investigation.

Undercover operations, investigations and missions are inherently dangerous. The use of sworn officers in a covert role in an investigation will be limited to those instances where the use of other investigative tools (i.e., confidential informants, surveillance, and citizen information) is not practical or would compromise the integrity of the investigation. The overriding concern in any undercover operation is for the safety of the undercover officer. A sergeant or above will supervise all undercover operations. It is essential that adequate cover officers are present during any undercover operation.

(a) Undercover Detective Responsibilities:

1. Ensure that he/she does not have any items of clothing, equipment or any other item visible that would readily identify him/her as a police officer.
2. At no time will an officer consume controlled substances as a part of the undercover role. If a situation arises where the undercover officer is being forced to use controlled substances, he/she should refuse. If the suspect persists, the officer(s) should attempt to extract themselves from the situation and terminate contact. If the officer is forced to consume illegal narcotics in order to assure their personal safety, the officer will extricate at the first opportunity and immediately notify the supervisor. The supervisor shall immediately notify the support services lieutenant or captain. Medical care and a urinalysis should be arranged for the benefit and safety of the officer.
3. An officer working in an undercover role should be armed. If there is a specific reason the officer cannot be armed, approval from the unit supervisor will be obtained before the officer works unarmed.
4. Officers may use audio and/or video recording devices while working undercover if practical and in compliance with R.C.W. 9.73 and other applicable statutes or rules.
5. An undercover officer will not engage in sexual contact. An officer will not expose his/her genitals to convince others that he/she is not associated with law enforcement. An officer in a decoy role will not expose his/her private body parts, which includes female breasts, or touch the private body parts, which includes female breasts, of a john/prostitute. A sworn officer in a decoy role will document in his/her report any unsolicited touching of the officer's private body

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parts by a john/prostitute. A sworn officer will immediately disengage from any unsolicited touching by a john/prostitute and comment in his/her report how that was accomplished.

6. An undercover officer will not commit criminal offenses for the purpose of disguising that he/she is a police officer. This section does not pertain to a controlled delivery of illegal narcotics for legitimate law enforcement purposes.

7. An officer working in an undercover role will not be the case officer for the investigation. The case officer, along with the supervisor, will be responsible for coordination of the operation. The undercover officer's primary responsibility is to act in the covert role.

8. The undercover officer should not become involved in an arrest while acting in a covert capacity. If a situation arises that an undercover officer must take police action, he/she should extract him/herself as soon as cover officers arrive and take control.

9. Any officer, regardless of rank, can terminate an undercover operation if he/she sees or hears something that compromises the safety of any officer involved in an undercover operation.

10. No probationary officer will work in an undercover capacity unless approved by the division captain. Exceptions should only be considered under exceptional circumstances that make the probationary officer's participation vital to the completion of a specific case.

(b) Supervisors will ensure that the undercover operation is thoroughly planned and that the safety of the undercover member is the primary focus during the planning process. When conducting undercover operations, supervisors should consider the following:

1. All undercover operations will have a written operational plan that is approved by the supervisor or above.

2. The supervisor will ensure that there is appropriate cover present for any undercover operation. All surveillance and cover officers will be present for the operational briefing prior to the planned operation.

3. Communications will be outlined in the operational plan and will include: radio channels, telephone links, and visual/audio signals for the undercover member. This information will be included during the pre-operation briefing.

4. Contingency plans for rescuing the undercover officer will be included in the written operational plan and this information will be included in the pre-operation briefing.

5. The unit supervisor should notify a supervisor in the operations division (or in the jurisdiction of an undercover operation). When practical, uniform officers working in the area should be notified of the undercover operation. The notification should include a description of the undercover officer and the clothes he/she is wearing.

6. In some undercover situations, it may be necessary for officers to consume alcoholic beverages. In the event alcoholic beverages are consumed, officers will not consume an amount which would impair to any degree their ability to

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perform their duty. In the event an officer consumes alcohol, the supervisor will modify the officer's duty status in the event that the officer is impaired by alcohol to any perceptible degree. The evaluation will be based on specific, articulable observations made by a trained supervisor concerning the appearance, behavior, speech or body odors of the officer in order to ensure that he/she takes no police action while under the influence of alcohol and that reporting requirements are adhered to. Additionally, supervisors are responsible to see members do not drive a vehicle while still under the effects of alcohol.

7. If the undercover officer is not wearing audio recording equipment, the supervisor will ensure that the operation occurs in a public area with good visibility.
8. Undercover officers should be encouraged to voice his/her level of comfort when asked to work in a covert capacity. At no time will a supervisor assign an officer to work in a covert role if the officer is uncomfortable with the operation plan or his/her ability to perform in a covert role.
9. No undercover operation will be executed until the Western States Information Network (WSIN) has been notified and the operation has been de-conflicted. It will be the supervisor's responsibility to ensure this occurs prior to the operation.
10. All undercover operations will be debriefed as soon as practical.

603.7 INVESTIGATIVE EXPENSES

Investigative expenses are those authorized expenditures incurred by detectives during an investigation. They directly relate to the continuing development of an investigation and/or payment to informants.

Investigative expenses or payments to informants require a supervisor's approval. Any investigative expense exceeding $2000 requires the approval of the support services lieutenant or captain.

Miscellaneous rentals, purchases, and services which are required to further an investigation must be authorized by the unit supervisor or support services lieutenant or captain. This includes such expenses as the rental of post office boxes; premises; furniture and vehicles; installation and operation of telephones, etc. These expenses must be receipted unless doing so would jeopardize the investigation.

Official funds expended on undercover gambling activities are reimbursable with prior authorization. Any winnings from gambling, or any gains incurred as a result of an undercover activity, must be surrendered to the law enforcement agency.

The City recognizes that officers frequently travel outside of the local area while engaged in narcotics investigations. These investigations are generally rapidly evolving and subject to frequent changes and delays. Obtaining advanced travel funds, submitting requests for reimbursement or otherwise adhering to the City's travel policy is impractical when engaged in these covert or confidential operations. In such situations, investigative funds may be used to pay

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for out-of-area meal expenses. The SOG supervisor will ensure these expenditures comply with the criteria established by City policy for allowable meal expenses.

Expenditures for food or beverages based solely upon an employee having to work unusual hours or stemming from liaison conferences are not reimbursable.

603.7.1 ADVANCE WITHDRAWAL OF INVESTIGATIVE FUNDS

(a) The unit supervisor may issue a detective funds to be used for investigative expenses.

(b) The detective shall submit a receipt for cash, which shall include the signature of the supervisor and a witness.

(c) Investigative funds held by the detective shall be made available at all times to the unit supervisor for review.

(d) Investigative funds shall be returned when the detective leaves the unit or at the direction of the unit supervisor.

(e) The support services lieutenant or captain will arrange for quarterly audits of investigative funds.

603.7.2 DOCUMENTATION OF EXPENSES

(a) Expenses shall be legibly documented in a ledger. The ledger will include the following:

1. Date of transaction.
2. Name of the payee or the informant number.
3. The case number of the case necessitating the expense.
4. The purpose of the disbursement.
5. The amount of the disbursement.
6. Credits for any disbursement returned.
7. A running balance containing the exact amount remaining in the individual fund.
8. Deposits made.

(b) All disbursements from the investigative funds are to be approved by the unit supervisor, or his/her designee.

603.7.3 RESPONSIBILITIES

(a) Unit Supervisor

1. The unit supervisor is responsible for management and oversight of the unit's investigative funds.
2. A written investigative fund ledger is to be maintained which reflects the cash balance of the account with appropriate entries being made immediately following a transaction. The ledger shall be submitted to the unit office assistant on a monthly basis for reconciliation.

(b) Detectives

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1. Unit detectives will handle and disperse funds in accordance with this policy and are responsible for properly securing, safeguarding and accounting for the funds allotted to them.

(c) SOG Office Assistant

1. The unit office assistant will reconcile all ledgers on a monthly basis. The original ledger and receipts will be retained by the unit office assistant. A photocopy of the reconciled ledger shall be submitted to the detective. The investigative fund may be reimbursed as needed by General Claims.

603.8 TACTICAL OPERATIONS

All tactical operations (raids, search warrants, buy-busts, etc) will be preplanned by the investigating officer and/or the supervisor. The preplanning will include a threat assessment and an operational plan. The threat assessment and operational plan will generally be written using a standard format. A verbal briefing of the threat assessment and operations plan may be substituted for written plans, with a supervisor's approval, when the unit is in the field and without access to the equipment needed to produce written plans. In these cases, all the elements of the written threat assessment and operational plan need to be considered and covered.

The threat assessment identifies hazards and helps determine whether the search may be conducted by SOG personnel or if SWAT should be requested to serve the warrant. When the intelligence information indicates a special hazard, the operational plan should be adjusted to mitigate the risks.

The operational plan should include the following information:

(a) The person in charge of the search.

(b) The location to be searched.

(c) Scope of the warrant.

(d) Narcotics types / items to be searched for.

(e) Cover for surveillance and perimeter units.

(f) A diagram of the area and structure to be searched, including:

1. Streets, adjacent structures, approach routes, and physical characteristics of the structure.

2. If possible, a diagram of the interior of the structure with the layout of the rooms, furniture, and locations of where contraband or weapons are known to be kept.

3. The proposed point of entry, as well as any exits, windows and outside perimeter points.

4. Video surveillance, alarms or traps.

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5. Information on suspects or inhabitants expected to be at the location, criminal histories, weapons, animals.

(g) Neighbors-level of cooperation with police or complicity with targets.

(h) The approach route of the entry team and any ploys used to gain entry.

(i) Radio communications.

(j) Appropriate equipment for all team members.

(k) Specific duties for each member of the team.

(l) Medical assistance requirements.

(m) Any other information which will assist in the case or raid which may aid in providing safety of all concerned.

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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 Bremerton Police Department seizes property for forfeiture or when the Bremerton 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 Bremerton 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 Bremerton 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,

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"bootlegging," criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).

4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).

5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, 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 Department's current minimum forfeiture thresholds.

(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

It shall be the responsibility of the Bremerton Police Department's Special Operations Group (SOG) to identify confiscated personal property for seizure and intended forfeiture to the Bremerton Police Department for the purposes set forth in RCW 69.50.505. Before seizing any currency, vehicle, or personal property pursuant to RCW 69.50.505, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

(a) Serve all persons with Notice of Seizure and Intended Forfeiture forms.

(b) When someone has made notification other than a SOG detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the SOG supervisor, for review.

(c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources.

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(d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

The SOG Supervisor shall have the responsibility to ensure that the City of Bremerton complies with all provisions of RCW 69.50.505 when initiating any seizure and intended forfeiture of personal property.

606.4.1 SEIZED PROPERTY

Seized property which is subject to forfeiture will be inventoried and entered into the Property and Evidence system. The property will be checked through the appropriate state and federal databases to determine if the property has been stolen. The property will be booked as evidence, with the "SOG Seizure" box checked on the Item Detail page of File-on-Q.

606.4.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted and placed into Property and Evidence in accordance with the Evidence Packaging Manual instructions for currency.

When a seizure and intended forfeiture of US currency (in any form) is initiated, the SOG supervisor shall have the discretion to remove the money from the property room and place it into a trust account established by the City for pending forfeiture cases. If a determination is made to deposit any money into the pending seizure trust account, the following procedures should be followed:

(a) The SOG supervisor willl complete a supplemental report documenting the deposit.

(b) The SOG supervisor will notify the Support Services Captain, Support Services Lieutenant and the Property room staff by e-mail or other written communication of the proposed transfer of seized funds from the Evidence room to the pending seizure trust account.

(c) Two department personnel shall witness the amount withdrawn from the property room.

(d) Both personnel shall deliver the currency to the financial institution for deposit.

(e) The receipt shall be delivered to the Support Services Captain.

(f) A copy of the receipt shall be maintained in the seizure file.

Any currency deposited into the trust account shall remain in the account until final disposition of the seizure occurs. When money is forfeited, it shall be transferred to the City's forfeiture fund (110 Fund) account. If it is determined that any amount of deposited money is to be returned pursuant to lawful order or otherwise, the SOG supervisor will notify the Support Services Captain in writing and provide supporting documentation. The Support Services Captain will issue a check from the trust account to the authorized claimant within 5 business days.

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The Support Services Captain will maintain all books, checks and ledgers for the pending seizure trust account and will be responsible for monthly reconciliation and other standard bookkeeping measures.

606.4.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the Special Operations Group supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible. Personal items not pertinent to a criminal investigation may be released at the scene to the owner or someone they designate.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

606.4.4 SEIZED VEHICLE OWNERSHIP / STOLEN STATUS VERIFICATION

Prior to selling a vehicle which has been seized and forfeited to the Bremerton Police Department pursuant to RCW 69.50.505, the following items should be checked:

(a) A physical comparison of vehicle's VIN with the vehicle registration and title paperwork.

(b) A check of the vehicle's license plate and VIN through WACIC / NCIC.

(c) A check of the vehicle's VIN through Carfax or a similar service that supplies vehicle history reports.

(d) If a discrepancy is noted in one of the first three items, take the vehicle through WSP VIN lane for a complete inspection.

606.4.5 ASSET FORFEITURE LOG

A log of all asset forfeiture cases shall be kept by the Special Operations Group supervisor. The inventory shall include the following:

- Case number.
- Date of seizure.
- Value.
- Type of seizure (federal or state).
- Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

The SOG supervisor shall maintain all records relating to the intended seizure and forfeiture of personal property. The records for each intended seizure and forfeiture shall be maintained for a period of no less than 7 years.

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606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Room 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:

1. Names and contact information for all relevant persons and law enforcement officers involved.

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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 Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
   (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
   (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.

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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 Bremerton 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 Bremerton Police Department and the officers using informants, this policy provides guidance on the use of confidential informants

608.2 INFORMANT FILE SYSTEM

The Special Operations Group (SOG) supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph.

(i) Initial debrief report.

(j) Criminal history check (Triple I, I-LEADS, WISN)

(k) Information provided by the informant.

(l) If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".

(m) Name of officer initiating use of the informant.

(n) Signed informant agreement, Prosecutor's contract and/or Special Consent form.

(o) Use record.

(p) Payment records.

(q) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Special Operations Group office. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

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Access to the informant files shall be restricted to the Chief of Police, support services division lieutenant or captain, the unit supervisor, or their designees.

608.2.2 PROBLEM INFORMANT FILES
The following guidelines shall apply for problem informant files:

(a) A problem informant will have a notation made in his/her file with a brief summary of problems encountered.

(b) Entry into this file will not necessarily exclude the use of the informant, but additional screening will be required.

(c) Some reasons for entries into the problem informant file may include:

1. Giving false information.
2. Unreliability in handling money and/or evidence.
3. Continuous criminal activity while serving as an informant.

(d) In the event an informant becomes unreliable, the unreliable information shall be submitted to WSIN as soon as possible.

608.3 USE OF INFORMANTS
Before using an individual as a confidential informant, an officer or detective must receive approval from the unit supervisor. The officer or detective shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

608.3.1 JUVENILE INFORMANTS
Use of a juvenile under the age of 18 as a confidential informant for purposes other than providing information may only be undertaken with the advance approval of the Support Service Captain, and with the written authorization of the individual's parents or guardians. Authorization for such use should be granted only when a compelling public interest can be demonstrated.

608.3.2 INFORMANT RESTRICTIONS
If an informant is arrested for a federal or state felony while under contract, his/her use shall be reviewed by the unit supervisor for evaluation of continued use. Any informant who has been previously declared unreliable by any police agency shall not generally be used. The unit supervisor may approve their use under special circumstances.

608.3.3 DEFENDANT INFORMANTS
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. The appropriate prosecutor shall be advised of the nature and scope of the defendant-informant's cooperation.

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608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental special consent form. The officer using the confidential informant shall discuss each of the provisions of the consent form with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No employee of the Bremerton Police Department shall knowingly maintain a social relationship with a current or former confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Employees of the Bremerton Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a current or former confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their supervisors.

(b) Identities of informants shall otherwise be kept confidential.

(c) The relationship between officers and informants shall always be ethical and professional.

(d) Two unit detectives shall be present at all in-person contacts with the informant. Single detective in-person contacts must be approved by the supervisor.

(e) Contacts with informants shall minimize their access to knowledge of unit facilities, operations, activities, and personnel.

(f) Informants shall not be given detectives' home addresses or home telephone numbers. A business telephone number will be given to all informants where the detective can be reached.

(g) Detectives shall obtain a written or recorded admonishment advising the informants of his/her responsibilities while working with the unit. 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 unit, except as specifically directed to do so by a unit detective.
2. They shall not use, possess, sell, or deliver any narcotics or controlled substances, except as specifically directed to do so by a unit detective.
3. They are not a police officer and they do not have any power of arrest or other police authority.
4. The unit will use all lawful means to protect their identity, but this cannot be guaranteed.

(h) Upon request of the Prosecutor, unit members will provide records of any compensation given to the informant.

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608.4.2 INFORMANT TRANSACTION PROCEDURE

When informants participate in undercover purchases involving official funds, controlled drugs, or items of potential evidentiary value, the buy will require a minimum of two detectives for surveillance purposes. Each buy will be controlled in the following manner:

(a) The informant will be thoroughly searched before 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. Document these searches in the police reports.

(b) The serial numbers of all official funds will be recorded prior to being given to the informant for use in a transaction. If the need exists to carry personal funds, the serial numbers of those funds will be documented before and after the buy. The personal funds shall be returned to the informant immediately upon completion of the transaction if they are taken beforehand.

(c) When possible, constant surveillance will be conducted on the informant from the time of the pre-buy search and until he or she returns to the detectives.

(d) Upon completion of the buy and the return of the informant to the detectives, the informant shall then be thoroughly searched again. All evidence and official funds will be retrieved from the informant. When possible, the entire process should be accomplished by the same agent, with the same witness.

(e) The informant shall be thoroughly debriefed and a statement shall be obtained from the informant. 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 which may be of importance.

(f) All searches of informants shall be conducted by a unit detective or other law enforcement officer and when at all possible, of the same sex as the informant.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

608.5.1 PAYMENT PROCEDURE

The amount of payment must be commensurate with the value of services and/or information provided, and shall be based on the following factors:

(a) The nature and complexity of the investigation.

(b) The impact of this investigation/arrest on the community.

(c) The significance of the contribution made by the informant to the desired objectives of the case.

(d) The informant's willingness to testify in court.

(e) The extent of the informant's personal involvement in the case.

(f) The criminal significance of the violator arrested.

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(g) The amount of assets seized.

(h) The quantity of the drugs seized.

(i) The level of risk taken by the informant.

608.5.2 CASH DISBURSEMENT POLICY
No money shall be paid to any informant unless the following conditions are satisfied:

(a) A Money Transfer Voucher is signed in the informant's true name.

(b) Payments to informants require two detectives witness and sign the receipt.

(c) Prior approval has been obtained from the unit supervisor for any payment.

(d) All monies paid to an informant will be recorded on a payment log in the informant file and on the detective's ledger. Monies shall not be paid to an informant in advance of services provided.

608.5.3 REPORTING OF PAYMENTS
Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the IRS as income.

608.6 DEACTIVATION OF INFORMANTS
Deactivation shall occur when:

(a) The informant no longer has the potential to furnish information or services which could lead to prosecution or interception of drugs.

(b) The informant is no longer willing to cooperate.

(c) The informant's cooperation has been determined to be unsatisfactory.

Informants shall be deactivated by the decision or approval of the unit supervisor. Informants will be notified, when reasonably possible, that they have been deactivated. The notification, or steps taken in the attempt, will be documented in the informant file. A deactivation report shall be included in the informant file indicating the circumstances surrounding the deactivation.

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Crime Scene Investigation

609.1 PURPOSE AND SCOPE

Proper documentation, collection, and preservation of physical evidence may provide the key to a successful investigation and prosecution. Each officer must carefully processes a crime scene so as to not overlook, contaminate or destroy evidence.

609.2 SCENE SECURITY

It is the responsibility of the first officer at the scene of a crime to secure that scene from all nonessential personnel. The scene of a crime must be secured as soon as possible to prevent the loss of evidence. Dependent on the nature of the incident, the first officer may use additional officers, evidence tape, ropes, and barricades to preserve the integrity of the scene. Personnel at the scene should not disturb, touch or handle physical evidence, unless a danger exists that the evidence will be lost or destroyed prior to processing. Exigent circumstances such as officer safety, an ongoing emergency or ongoing criminal activity may prevent immediate focus on the crime scene.

609.2.1 CRIME SCENE ACCESS LOG

The officer securing the scene should initiate a crime scene access log, listing the time, name and reason for all personnel who enter the crime scene. This may be assigned to other officers by the on-scene supervisor.

609.3 PROCESSING RESPONSIBILITY

Generally, on routine or smaller cases, the officer or detective handling the case is responsible for thorough processing of crime scenes for physical evidence. Officers will conduct a physical inspection and evaluation of a crime scene and collect the obvious items of evidence in cases when no other processing or assistance is required.

In serious and/or complex cases, at the discretion of the supervisor or detectives, Crime Scene personnel will conduct the crime scene processing and collection of evidence. Whenever the Crime Scene personnel respond to a crime scene or incident, they will be responsible for photographing, collecting, preserving, transporting and submitting all evidence to the property system.

The Washington State Patrol Crime Scene team may be requested for serious, complex or high-profile cases with approval of the supervisor.

609.4 GENERAL PROCEDURES

The following steps should be considered when processing a crime scene, however, steps may be omitted if they do not pertain to the type of the incident under investigation.

(a) Establish whether consent to search or a search warrant has been secured or is needed.

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(b) Carefully approach the scene so as not to disturb potential evidence

(c) Conduct a survey of the crime scene. Determine its boundaries. Decide if the initial security area is sufficient or if boundaries need to be expanded.

(d) Document the existing conditions at the scene (wet, raining, hazardous, temperature, etc.).

(e) Photograph the scene, person, etc. (as necessary).

(f) Locate, photograph and mark the location of possible physical evidence. If necessary take more detailed photographs of the scene and specific items.

(g) Video the scene (if necessary).

(h) Prepare a sketch of the scene, taking measurements of items for sketch. Note the location of each piece of evidence and possible points of entry and exit of the scene on the sketch/diagram.

(i) Conduct a detailed search.

(j) Collect all physical evidence. Note the location gathered.

(k) Release the crime scene only when the case officer and/or investigator are ready and all evidence has been photographed, documented and gathered.

609.5 COLLECTION TECHNIQUES

Evidence collection will be performed in a logical manner and in accordance with Department policies and methods taught at:

(a) The Washington State Criminal Justice Training Academy or other approved evidence-related training courses; or

(b) In accordance with procedures established by the Washington State Crime Laboratory.

The process shall start with the collection of fragile, easily lost evidence or objects which need to be moved immediately for safety concerns, such as loaded weapons in an area not easily controlled by available police resources.

Items should be protected from cross contamination.

Each item will be immediately marked or labeled and put into a sealed evidence bag, box or container in accordance with the Property & Evidence Packaging manual.

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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

The Bremerton Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The General Investigations Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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610.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup. If it is not feasible to present the line up in the sequential format, the "six pack" line-up format may be used.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

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(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, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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Temporary Assignment to Investigative Units

611.1 PURPOSE AND SCOPE

For the purpose of strengthening the investigative process, enhancing career development for the individual officer, and creating a pool of officers with investigation experience, the Chief of Police may implement a program which allows personnel to rotate through an investigative unit of the Department, on a voluntary basis, under the following guidelines.

611.2 POLICY

Upon agreement of both the Operations Division Captain and the Support Services Division Captain, an officer may be temporarily assigned to an investigative unit under the following guidelines:

(a) Assignment to this rotational position is a temporary transfer.

(b) An officer temporarily assigned to an investigative unit may be rotated back to their normally assigned unit of work at any time based on needs of the Department.

(c) Officers receiving this assignment will not be compensated by any additional pay or receive a take-home vehicle during the length of the assignment.

(d) The rotational positions are non-competitive positions. Selection of personnel to participate in the program will be made by the Chief of Police or his designee.

This policy is not intended to refer to temporary assignments created by exigent circumstances, such as major investigations, where personnel from any work unit are called on to assist in the investigation.

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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 Bremerton Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Bremerton 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 Bremerton 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 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Operations Planning and Deconfliction

613.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

613.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

613.2 POLICY

It is the policy of the Bremerton Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

613.3 RISK ASSESSMENT

613.3.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

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(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

613.3.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the division captain or designee.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

613.3.3 HIGH-RISK OPERATIONS

If the division captain or designee, after consultation with the involved supervisor, determines that the operation is high risk, the supervisor should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. SWAT
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property and Evidence Room or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

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(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

613.4 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

613.5 OPERATIONS PLAN

The supervisor should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

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(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

613.5.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

613.6 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The supervisor shall ensure that all participants are visually identifiable as law enforcement officers.

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1. Exceptions may be made by the supervisor for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the supervisor to ensure that Kitsap 911 is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
2. If the radio channel needs to be monitored by Kitsap 911, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

613.7 SWAT PARTICIPATION

If SWAT participates in the operation, the SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

613.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

613.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

613.10 TRAINING

The Operations Lieutenant should ensure members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Sexual Assault Investigations

614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

614.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Special Assault Investigations and Victim Services (SAIVS) - A multidisciplinary team generally comprised of advocates; law enforcement officers; the Coroner's office, sexual assault nurse examiners (SANEs); and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

614.2 POLICY

It is the policy of the Bremerton Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

614.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SAIVS or other multidisciplinary investigative teams as applicable.

614.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Kitsap 911, should be the health and safety of the victim, the preservation of evidence, and

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SAIVS should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

614.4.1 POLYGRAPH EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

614.4.2 VICTIM PERSONAL REPRESENTATIVE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

614.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The General Investigations Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

614.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

i. Initial response to sexual assaults.

ii. Legal issues.

iii. Victim advocacy.

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iv. Victim's response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

i. Interviewing sexual assault victims.

ii. SAIVS.

iii. Medical and legal aspects of sexual assault investigations.

iv. Serial crimes investigations.

v. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

vi. Techniques for communicating with victims to minimize trauma.

vii. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.

viii. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

614.7 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

614.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SAIVS member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

614.8.1 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

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A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

614.8.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

(a) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 70.125.090):

1. A related report or complaint is received by the Department alleging a sexual assault or other crime has occurred and the victim has consented to the submission.
2. The victim is an unemancipated person 17 years or age or younger.

(b) Facilitate the collection of an unreported sexual assault kit from a collecting entity when this department has jurisdiction to investigate any related criminal allegations (Chapter 26 § 3, 2020 Laws).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

614.8.3 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

614.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the General Investigations Unit supervisor.

Classification of a sexual assault case as unfounded requires the General Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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614.10 CASE REVIEW

The General Investigations Unit supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SAIVS and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

614.10.1 RETENTION

The General Investigations Unit supervisor should ensure evidence, investigatory reports, and records related to violent or sex offenses are appropriately marked for retention under RCW 5.70.010.

614.10.2 RETENTION

The General Investigations Unit supervisor should ensure evidence, investigatory reports, and records related to violent or sex offenses are appropriately marked for retention under RCW 5.70.010.

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Warrant Service

615.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Search and Seizure and Operations Planning and Deconfliction Policies, which provide additional guidance.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

615.2 POLICY

It is the policy of the Bremerton Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

615.3 RISK ASSESSMENT

The division captain or designee shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

615.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the division captain or designee for review and classification of risk (see the Operations Planning and Deconfliction Policy).

615.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the division captain or designee for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, the supervisor should request SWAT serve the warrant. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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615.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

615.7 HIGH-RISK WARRANT SERVICE

The division captain or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

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(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

615.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

615.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

615.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The division captain or designee will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the division captain or designee. The captain or designee should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The captain or designee should ensure that members of the Bremerton Police Department are utilized appropriately. Any concerns regarding the requested use of Bremerton Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the division captain is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Bremerton Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Bremerton Police Department when assisting outside agencies or serving a warrant outside Bremerton Police Department jurisdiction.

615.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

615.12 TRAINING

The Operations Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Unmanned Aerial System (UAS) Operations

616.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

616.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

616.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

616.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

616.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

616.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

616.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

616.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for City 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 AND USE OF DEPARTMENT 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 and the requirement that the employee pay for 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) No employee shall use Department equipment unless trained in its operation and authorized to use it in the performance of their duty.

(c) 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.

(d) Except when otherwise directed by a supervisor 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.

(e) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(f) Upon termination of employment, all Department-owned property will be returned.

(g) 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.

(h) Employees will not dismantle or modify equipment unless authorized to do so.

(i) City property or equipment will not be loaned for personal use but may be loaned to another agency with permission of a staff officer.

700.3 PERSONAL PROPERTY

The Department will follow City Policy 5-20-05 - CITY REIMBURSEMENT FOR LOSS OF PERSONAL PROPERTY-WORK RELATED.

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If an officer elects to carry other than mandated/authorized equipment listed under Policy Manual § 1046, they assume risk of replacement. The Department is not obligated to replace extra equipment.

If an officer suffers reimbursable damage or loss to a personally owned firearm, as outlined in City Policy 5-20-05, the Chief of Police limits reimbursement, as provided for in the aforementioned policy, to $800 or replacement with a Department issued firearm.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction or whether intentional or not, 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 Division Captain.

700.4.2 DAMAGE TO CITY PROPERTY

See City Policy 5-20-03: DAMAGE TO CITY PROPERTY.

700.5 KEY CONTROL

Employees shall not make or cause to be made any duplicates of Department keys without proper authorization.

Employees will possess only those Police Department and City of Bremerton keys which they are authorized to have. Loss of Department keys will be reported immediately by the employee to their supervisor.

Employees will not possess keys to business establishment(s) unless they have received prior permission from the Chief of Police.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

702.1.1 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 POLICY

The Bremerton Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.2.1 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.

(c) The use of the device will not interfere with duties.

(d) Any loss or damage to the device is the full responsibility of the employee.

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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.

(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). Employees may use personally owned PCDs for personal business during authorized breaks.

(b) Extended or frequent use of Department issued or personally owned PCDs while on duty for personal use is prohibited and may result in discipline. Employees will be required to reimburse the Department for any charges incurred on Department-owned PCDs as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (RCW 46.61.667).

Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless:

(a) The telephone is specifically designed and configured to allow hands-free listening and talking, or

(b) For purposes authorized as exceptions in RCW 61.61.667.

702.2.4 CITY TELEPHONE POLICY

Human Resources Policy: CITY TELEPHONE POLICY, Incorporated by reference.

702.3 HANDLING ELECTRONIC RECORDS ON PERSONAL COMMUNICATIONS DEVICES

702.3.1 POLICY

Work-related electronic records on PCDs, whether the PCD is provided by the Department or personally owned, are public records subject to the Public Records Act. This includes photographs, video recordings, audio recordings, voice messages, and text messages.

Employees who use their PCDs to produce, send or receive electronic records related to City business are required to follow this policy. Employees are also required to cooperate with the City in fulfilling the City's duties and obligations under the Public Records Act and shall be required, when requested, to produce any records on PCDs relating to City business.

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The failure to follow this policy may expose the City to damages and attorney's fees under Washington's Public Records Act, and may subject the employee to appropriate discipline.

702.3.2 DEFINITIONS

City business - a record sent or received by a City employee relating to the work of the employee or the business of the City. City business records relevant to PCDs include: texts or voice mail messages between employees discussing the employees' work or the business of the City, photographs on the PCD related to an employee's duties. and audio recordings of interviews or notes.

Transitory record - a transitory record documents information of temporary, short-term value, and that is not needed as evidence of a business transaction. Examples of transitory records include:

(a) Texts, voicemails or e-mails noting a completed task (e.g. "I returned the call to Mary Smith,")

(b) Texts, voicemails or e-mails informing a coworker/supervisor that the sender will be late to work, late to a meeting, etc.

(c) Texts, voicemails or e-mails that ask another employee to take some form of action (e.g. "Can you take your vehicle to the shop?")

(d) Texts, voicemails or e-mails that contain information that is later included in another City record. For example, a detective receives a text from a sergeant explaining that she talked with a witness in an investigation, and asking the detective to follow up and take a statement from the witness. The detective then takes a statement from the witness. Once the statement is taken, the text becomes transitory.

702.3.3 TEXT MESSAGING

Employees may use text messaging only for transitory messages that don't need to be retained by the City. Transitory records need not be retained once they are no longer needed for City business. As a result, a transitory text should be deleted once it has served its purpose. In the event communications that are more than transitory are necessary, such communications should occur in person, by telephone, by email, or by memorandum, but not by text.

702.3.4 EMPLOYEE RESPONSIBILITY REGARDING RECORDS ON A PCD

All agency business records are subject to the Public Records Act and case law interpreting the Public Records Act in effect at the time of the public records request. Depending on current law, the employee may be required to produce records contained on their PCD, or produce an affidavit.

Electronic records (photographs, recordings, non-transitory messages, etc.) on a PCD must be retained for the minimum retention period specified in the retention schedules.

Any text, photograph, or recorded communication on a PCD that constitutes agency business should be immediately forwarded to City servers (I.e. a City email address) for retention as a primary document, for purposes of the Public Records Act and record retention requirements.

In the event a records request is submitted that may include within its scope records on a PCD, the employee shall search their device and cause records related to City business to be produced

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in accordance with this policy. Once put on notice of the request, employees shall not delete any records from the PCD or device, even if such record is transitory or personal. The employee must work with the City Public Records Officer to produce the requested public records or other necessary response.

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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 DAILY INSPECTION REQUIRED / DEFECTIVE VEHICLES

All Department vehicles shall be inspected by the operator for damage and faulty equipment prior to being driven. Special attention will be given to brakes, lights and emergency equipment (sirens and lights). When damage or faulty equipment is discovered, it shall be reported to a supervisor immediately. The supervisor shall check the damage and/or faulty equipment. If it is of a minor nature and the vehicle is operational, the supervisor shall ensure that a damage report is completed. When a Department vehicle becomes inoperative or in need of repair that affects the safe operation of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who discovers the defective condition. The employee will describe the correction needed and forward the appropriate paperwork to the City fleet maintenance supervisor. The employee will advise the responsible supervisor of the fleet repair request. The sergeant assigned to fleet tracking will make certain that the vehicle in question is received by fleet maintenance.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in Department vehicles for emergency purposes and to perform routine duties. Items may vary due to availability of equipment and specialty assignments. It shall be the responsibility of employees to ensure that their assigned vehicle(s) are properly equipped with routine equipment as appropriate or required for their duties at the beginning of their work day.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following basic equipment is present in the vehicle:

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- Emergency road flares, beacons or other approved traffic safety signaling devices.
- Barricade tape.
- First aid kit.
- Set of "Stop Stix" (if issued).
- Fire extinguisher.
- Personal Protective Equipment per Policy Manual § 1016.
- Flashlight(s).
- MCT & SECTOR capability.
- Ballistic Shield (if issued).
- Patrol Rifle (in accordance with Policy Manual § 432 - Patrol Rifle).

704.3.2 UNMARKED VEHICLES
Employees assigned to or driving unmarked Department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Barricade tape.
- First aid kit.
- Fire extinguisher.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall ensure their assigned vehicle is fueled prior to the end of each shift.

City of Bremerton employees who fuel City vehicles shall comply with City policy on fueling, to include correctly entering all requested data into the gas pump computer when activating a pump.

Do not fuel two or more vehicles with one pump activation.

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.

Officers in Patrol will notify Cencom prior to entering the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-Commissioned personnel are prohibited from operating marked patrol vehicles unless that vehicle is being serviced by the City Garage or a private contractor. Prior to any marked vehicle

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being sent for service commissioned personnel will ensure that all firearms, confidential material (i.e. incident reports, wanted fliers, etc) or other issued weapons are removed from the vehicle.

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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. This policy provides guidelines for on- and off-duty use of City-owned vehicles and shall not be construed to create or imply any contractual obligation by the City of Bremerton to provide assigned take-home vehicles.

706.2 POLICY

The Bremerton Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to and from their residence and to allow members to respond to department-related business outside their regular work hours.

Any member operating a marked vehicle equipped with a two-way communications radio, MCT and/or a GPS device should ensure the devices are on whenever the vehicle is in operation within Kitsap County. **Exceptions:** Shuttling the vehicle to the service garage; commuting to and from training.

706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle (pool or unassigned vehicle) as part of their work assignment shall ensure 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 the exchanged vehicle is likewise properly noted on the daily shift roster.

706.3.2 UNSCHEDULED USE OF MARKED PATROL VEHICLES

Members utilizing a fleet vehicle for any purpose other than their regularly assigned duties shall first notify the supervisor of the reason for use and a notation will be made on the shift roster indicating the operator’s name and vehicle number.

706.3.3 INSPECTIONS / SEARCHES

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

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The interior of any vehicle that has been used to transport any person other than a member of this department shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents. This does not extend to a member's personally owned items such as purses, wallets, backpacks, duty bags or similar items that are stored in the vehicle.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

706.3.5 MOBILE COMPUTER TERMINAL

Members assigned to marked patrol vehicles equipped with a Mobile Computer Terminal (MCT) shall log onto the MCT with the required information when going on-duty. If the patrol vehicle is not equipped with a working MCT, the member shall notify CENCOM. Use of the MCT is governed by the Mobile Computer Terminal Use Policy. MCT shall remain locked in the docking station unless it is removed and taken into a secure facility.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Captain's approval.

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706.3.7 KEYS
Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy and the assigned vehicle section of this policy.

706.3.9 ALCOHOL
Members shall not operate City-owned vehicles at any time while impaired by drugs and/or alcohol.

706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations.

706.3.11 NON-SWORN MEMBER USE
Non-sworn employees shall not operate marked patrol vehicles without sergeant approval.

Exception: The approval requirement does not apply to Fleet and Maintenance personnel who facilitate or perform regular maintenance and repairs on these vehicles.

A marked patrol vehicle operated by any non-sworn employee must have a light bar hood that clearly indicates the patrol vehicle is "Out of Service".

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

To qualify for assignment of a take home vehicle, members must reside within Kitsap County or, if outside of Kitsap County, must reside within 20 miles of the City limits and not past the Tacoma Narrows Bridge, Hood Canal Bridge or Agate Pass Bridge. This distance shall be measured based on an actual roadway distance. To determine the actual distance, a tool such "Google Maps" may be used to calculate the shortest route. Members who reside outside these requirements may be allowed to secure the vehicle at a designated location (i.e. police or fire facility) at the discretion of the Chief of Police and with permission from the appropriate supervisor in charge of the facility where the vehicle will be parked.

Newly hired officers in the training phase of their employment (ie. academy, field training) are not eligible for an assigned take-home vehicle.

706.4.1 ASSIGNED VEHICLE USE
Vehicles may be used to transport the member to and from the member's residence for work-related purposes. Personal use of assigned marked vehicles is restricted to the time the member

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is traveling to or from work and stops at locations (convenience stores or appointments) along the route of travel from the place of work to the officer's primary residence.

Using the vehicle after returning home is not permitted except when the member has been specifically instructed to have the vehicle in his/her possession for immediate response, e.g. on-call status.

Civilians are not permitted to ride in a take home vehicle when the member is off-duty unless approved by the Chief of Police or his/her designee.

Members shall not visit a bar, purchase alcoholic beverages, or have alcoholic beverage in the vehicle unless for evidentiary or police related purposes while operating a city-owned vehicle.

Members shall not permit unauthorized persons to operate a city owned vehicle.

706.5 ASSIGNED VEHICLE SECURITY WHILE OFF-DUTY

Members that park take-home vehicles overnight at their residence or other locations shall remove any sensitive police department equipment or information from the vehicle unless parked in a secured garage. Sensitive items include:

a) Police identification or badges.

b) Portable radios.

c) Call out lists or personnel rosters.

d) Criminal justice information.

706.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Bremerton 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.

706.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Members shall promptly notify the Department of problems with the vehicle.

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.

All weapons, personnel rosters, sensitive documents, portable radios, badges and police identification shall be removed from any vehicle left for maintenance.

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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 Division Captain.

706.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Employee Involved Collision Policy).

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 review should be initiated to determine if there is any vehicle abuse or misuse.

706.9 ATTIRE AND APPEARANCE

When operating any Bremerton Police Department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Bremerton Police Department.

706.10 TOLL ROAD USAGE

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Bremerton Police Department which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating Bremerton Police Department vehicles on a toll road shall adhere to the following:

a. Members operating Bremerton Police Department vehicles that are not authorized emergency vehicles 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.

b. Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Captain within five working days explaining the circumstances.

706.11 OPTICOM

Many Department vehicles are equipped with an OPTICOM device. It enables authorized emergency vehicles to remotely control traffic signals in order to reduce danger and improve response.

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OPTICOM may only be used while responding to urgent or emergency calls for service. This includes using the OPTICOM at a specific intersection to clear traffic hazards or improve traffic flow.

The use of OPTICOM during routine driving or while responding to non-priority calls is not authorized.

The use of OPTICOM does not release the officer of the responsibility for the safe operation of his or her police vehicle.

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Personal Protective Equipment

707.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

707.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

707.2 POLICY

The Bremerton Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

707.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Accident, Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

707.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in WAC 296-817-200.

707.5 EYE PROTECTION

Approved eye protection shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

707.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

707.7 RESPIRATORY PROTECTION

If respirators are issued, the Department will ensure a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (WAC 296-842-12005):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

707.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (WAC 296-842-18010):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

(d) The member needs to readjust his/her respirator.

(e) The member becomes ill.

(f) The member experiences sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever or chills.

707.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (WAC 296-842-18005):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

707.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances:

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

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(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

707.7.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (WAC 296-842-15005).

After initial testing, fit testing for respiratory PPE shall be repeated (WAC 296-842-15005):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

(d) Whenever there is an indication that the respirator fit is unacceptable.

All respirator fit testing shall be conducted in negative-pressure mode.

707.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (WAC 296-842-14005; WAC 296-842-22005):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

707.8 RECORDS

The Operations Lieutenant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

(e) These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and WAC 296-842-12010.

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707.9 TRAINING

Members who are issued PPE shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (WAC 296-800-16025).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (WAC 296-842-16005).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting their crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Field Interview cards.
- Parole and Probation records.
- Computer Aided Dispatch data.
- SECTOR data.

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used when collecting data for Crime Analysis:

- Frequency by type of crime.
- Geographic factors.
- Temporal factors.
- Victim and target descriptors.
- Suspect descriptors.
- Suspect vehicle descriptors.
- Modus operandi factors.
- Physical evidence information.

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

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 HANDLING PROPERTY PRIOR TO SUBMITTAL

(a) It is the duty of all employees to properly care for, control, transport, process, and inventory all evidence or property which comes into their possession in the course of their official duties.

(b) Generally, the employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form.

(c) On occasion, it may be necessary to transfer the property to another officer for entering into the Property and Evidence system. It is the responsibility of the officer who collected the evidence to ensure the officer receiving the property understands all necessary information regarding the property and assumes full responsibility upon transfer.

(d) A written incident report is required, detailing the circumstances by which the property came into the Bremerton Police Department's possession, where and how the item(s) were obtained and the name of the legal owner if known.

(e) Care shall be taken to maintain the chain of custody for all evidence. All transfers of custody will be appropriately documented in the case report and/or the computerized tracking system (Evidence-on-Q).

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(f) Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner in the field without the need for placing it into the Property and Evidence system.

(g) Department employees will not, under any circumstances, convert to their own use, loan, or give away any item of property coming into their possession in the course of their official duties.

(h) All property must be submitted prior to the employee going off-duty.

804.3.1 PROPERTY SUBMITTAL PROCEDURE

Employees submitting property shall observe the following procedures:

(a) Follow the guidelines for packaging and labeling property as provided in the Packaging Manual.

(b) Complete the Evidence-on-Q property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(c) All serial numbers or other identifying criteria will be recorded on the property report and will be queried for stolen or ownership status prior to submittal.

(d) Secure property in a submittal locker appropriate for the item in accordance with the packaging manual. When keyed lockers (i.e. gun lockers, evidence refrigerator, etc.) are used to place evidence, the keys will be deposited in the mail drop. Locker keys are not to be removed from the evidence processing area.

(e) Right of Refusal. Items not properly packaged, tagged, labeled, or itemized will not be accepted into the custody of the Property Unit. The submitting officer will be notified via Department email to correct any problems with such items. A courtesy copy of these emails will be sent to the employee's supervisor and the Support Services Lieutenant for their information. Any items not corrected within 48-hours of email notification will be placed in a designated refusal locker and a memo will be sent to the officer and their supervisor.

804.3.2 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective, or the property and evidence technician to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

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The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

804.3.3 STORAGE OF SURRENDERED FIREARMS
Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

(a) Record the individual's name, address, and telephone number.

(b) Record the firearm's serial number.

(c) Record the date that the firearm was accepted for storage.

(d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Supervisor for timely filing with the court (RCW 7.94.090).

The property and evidence technician shall store a firearm accepted pursuant to this policy.

804.3.4 FOUND PROPERTY
Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

804.4 PROPERTY CONTROL

It is the responsibility of the property control specialists to manage and control all property directed to them. Property will be stored, retrieved, released, disposed of, and all changes in custody properly and fully documented according to policies and procedures outlined within this policy.

Each time the property control specialists receive property, change its location in the property room or releases property to another person, he/she shall enter this information in the computerized property control system (Evidence-on-Q) to maintain the chain of custody.

A bar code label will be generated for each item of property and attached to the item. The system records the movement of every piece of property by date, location, reason and person.

Drugs are weighed using a calibrated scale whenever they enter or leave the property room.

804.4.1 REQUEST FOR LAB ANALYSIS
Request for analysis for items shall be submitted to the property control specialist. This request may be made any time after submitting the property.

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804.4.2 TEMPORARY RELEASE OF PROPERTY

Temporary removal of property may be made by completing the property release form. The completed property release form will be attached to the original property report on file in the property room and the chain of custody section will reflect the transfer of the property.

Officers desiring property for court shall contact the property control specialist at least one day prior to the court day.

804.4.3 AUTHORITY TO RELEASE PROPERTY

No property or evidence is to be disposed of or released without first receiving written authorization from the court, prosecutor, a supervisor or investigating officer.

804.4.4 RELEASE OF PROPERTY

CONTACTING OWNER / UNCLAIMED PROPERTY

The Bremerton Police Department shall make reasonable 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 control specialist shall make a reasonable attempt to identify and contact the owner via telephone or mail and inform the owner when and where the property may be claimed. (RCW 63.32.010, 63.40.010)

RELEASE TO FINDER

Property, except that which is illegal for the finder to possess, shall be released to the finder of the item in accordance with the provisions of RCW 63.21 if the rightful owner is unknown or cannot be located; provided, that the finder has complied with all the duties imposed by RCW 63.21 and the release has been approved by the Support Services Lieutenant.

804.4.5 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.

804.4.6 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.

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804.5 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 and evidence technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

804.5.1 BIOLOGICAL EVIDENCE

The property and evidence technician shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The prosecutor

(d) Any sexual assault victim

(e) The Support Services Lieutenant or Division Captain

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Support Services Lieutenant or Division Captain.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Support Services Lieutenant or Division Captain should be consulted.

804.5.2 PROPERTY CONVERTED TO DEPARTMENT USE

Property may be converted to Bremerton Police Department use in accordance with RCW 63.32.010 with written authority of the Chief of Police. At the end of each calendar year during which there has been such a retention and conversion of property to Police Department use, the Police Department shall provide the Mayor or City Council, and retain for public inspection, a list of all retained items and an estimation of each item's replacement value.

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804.5.3 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the property and evidence technician shall ensure confirmation of the following (RCW 9.41.345):

(a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.

(b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.

(c) The firearm is not required to be held in custody or prohibited from release.

(d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.

(e) Notification is made to those family or household members, or an intimate partner, who have requested notification pursuant to established department protocol (RCW 9.41.340).

1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the property and evidence technician shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (RCW 9.41.801).

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

804.5.4 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.94.100):

(a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.

(b) Confirming with the court that the extreme risk protection order is no longer in effect.

(c) Notice has been provided to a family or household member who requested notification.

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If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

804.5.5 DISPOSITION REPORTING
The property room manager will provide an annual written report to the Chief of Police on the number of items cleared during the prior year.

804.5.6 SEXUAL ASSAULT KITS
Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (Chapter 26 § 3, 2020 Laws).

804.5.7 RELEASE OF FIREARMS AFTER EMERGENCY DETENTION
Firearms surrendered pursuant to RCW 71.05.182 (surrender of firearms after emergency detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).

804.6 INSPECTIONS, AUDITS AND INVENTORIES OF THE EVIDENCE ROOM
The Support Services Lieutenant shall arrange for routine and/or unannounced inspections and audits of the property and evidence room to ensure adherence to appropriate policies and procedures. The inspection should examine the following areas:

(a) The property room is maintained in a clean and orderly fashion.

(b) The integrity of the system and evidentiary value of the property is being maintained.

(c) Established procedures are being followed.

(d) Proper accountability procedures are being maintained.

(e) Property having no further evidentiary value is being disposed of promptly.

The Chief of Police or Support Services Captain may arrange for an unannounced inspections at any time. Additionally, the Washington State Auditor has authority to conduct audits.

A report will be submitted up the chain of command following each inspection. Any deficiencies will be corrected within thirty (30) days, and a report addressing the fixes will accompany the inspection records.

A complete inventory of the property room shall be accomplished at least annually.

Whenever a new employee is assigned to the property room, a complete inventory of the property room will be conducted. This inventory will be conducted jointly by the newly assigned employee and a designee of the Chief of Police to ensure that records are correct and all property is accounted for. Any discrepancies should be recorded prior to the assumption of accountability by the new employee.

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804.6.1 PROPERTY AND EVIDENCE ROOM SECURITY

Access to the Bremerton Police Department property room is restricted to authorized Department personnel only. It shall be the responsibility of the property room staff to control all access to the property room.

All property in the custody of the Bremerton Police Department will be stored within designated secure areas. Additional security measures will be taken for storing exceptional, valuable, or sensitive items of property. This includes money, items having a very high monetary value (jewelry, etc), dangerous drugs, narcotics or weapons.

The property room is accessible only after passing through an alarmed and locked entry. Additional alarms, locks, motion-detectors, and video surveillance systems may also be employed inside the property room.

Only staff assigned to the property room and the Support Services Lieutenant may enter the property room unescorted.

The Chief of Police and the Support Services Captain have authorization to enter the property room with an escort.

Other persons may enter the property room under escort with prior authorization from the Chief of Police, Support Services Captain or Support Services Lieutenant and only when escorted by staff assigned to the property room or the Support Services Lieutenant.

The property room staff shall maintain a log of all non-assigned persons entering the secured area of the property room. Personnel, other than those assigned to the property room, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

The property room is monitored by an alarm system which is continuously and remotely monitored for unauthorized entry and fire.

A security surveillance system will be maintained by the Support Services Captain and reviewed as necessary.

The property room is protected from fire by a maintained sprinkler system and fire alarms.

The property room is protected from moisture by a heating system and air circulation system.

The property room is protected from extreme heat by an air conditioner during summer months as needed.

The City of Bremerton arranges for pest control at all facilities.

The property room is protected from power outages by a generator.

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Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Bremerton Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 ANIMAL CONTROL RESPONSIBILITIES

Animal Control services are generally the primary responsibility of the Kitsap Humane Society's Animal Rescue and Enforcement Department ("Animal Control") and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

805.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

(a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

(b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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(c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to RCW 9.08.070 (cruelty to pets), RCW 16.52.117 (animal fighting), RCW 16.52.205 (animal cruelty) and RCW 16.52.320 (cruelty to livestock).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

805.5.1 REMOVAL OF ANIMALS

An officer who has probable cause to believe that an animal is subject to cruelty may obtain a warrant for removal of the animal when there is no responsible person to assume care of the animal and a good faith effort to contact the animal's owner has first been attempted. If an animal is in immediate life-threatening condition, a warrant need not be obtained. The animal may be removed to a suitable place for feeding and care or placed under the custody of Animal Control (RCW 16.52.085).

When an animal is removed, written notice shall be provided to the owner regarding the circumstances of the removal and the legal remedies available to the owner. The notice shall be given by posting at the place of the seizure, by delivery to a person residing at the place of seizure or by registered mail if the owner is known (RCW 16.52.085).

The officer who removed the animal may authorize an examination by a veterinarian to determine whether neglect or abuse is sufficient to require removal of the animal (RCW 16.52.085).

805.5.2 ANIMALS EXPOSED TO EXCESSIVE HEAT OR COLD, LACK OF VENTILATION OR LACK OF NECESSARY WATER

Officers may, in exigent circumstances, enter a vehicle or enclosed space other than a residence to save the life of an animal suffering harm from exposure to excessive heat or cold or lack of necessary ventilation or water when there is no person present in the immediate area who has access to the vehicle or enclosed space and is willing to immediately remove the animal (RCW 16.52.340).

In all other cases, a court order should be obtained when necessary to enter a vehicle or structure to protect the life of an animal.

805.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

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805.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the shift supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

805.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor and whenever possible, in consultation with a licensed veterinarian and the owner of the animal (RCW 16.52.210).

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Records

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines and practices of the Records Unit including the security, file numbering, access, handling, and tracking for all documentation related to police reports and citations.

806.1.1 NUMERICAL FILING SYSTEM

Case numbers are assigned sequentially by the CAD system.

(a) Reports are numbered commencing with a letter assigned to each jurisdiction using Intergraph CAD / I-LEADS RMS. Bremerton case numbers begin with the letter 'B' followed by the last two digits of the current year. This is followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 14-00001 would be the first new case beginning January 1, 2014.

(b) Case reports are filed numerically within the Records Unit by records specialists.

806.1.2 UNIFORM CRIME REPORTING

The Bremerton Police Department participates in the 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 the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Unit accessible only to authorized personnel.

Bremerton 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 Support Services Lieutenant or Captain. All original reports removed from the Records Unit shall be recorded on the Report Check-Out sheet 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:

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- Photos
- Fingerprints
- Booking information
- Any report in which a juvenile is named as a suspect in a crime.

The Records Supervisor shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

Upon receiving notification from the juvenile court that specific records should be destroyed.

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.

806.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

806.3.1 ACCESS USE REQUIREMENTS

No member of the Bremerton Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

806.3.2 ACCESS REQUIREMENTS

As an authorized ACCESS user, the Bremerton Police Department complies with all of the following ACCESS requirements:

- 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.

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806.3.3 ACCESS AUDITS
The department's ACCESS security and usage is subject to periodic state and federal audits. The department will comply with findings resulting from these audits to ensure a secure environment for transmission of ACCESS data.

806.4 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

(a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute that involves violence against law enforcement.

(b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.

(c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.

(d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the Records Unit is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Bremerton 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 maintained in a separate file. Supporting documentation may include the crime report, officer’s supplemental report, mental health report or other similar documentation.

806.5 RECORDS RETENTION

Authority for records retention lies with the Secretary of State's Office, which publishes records retention schedules for various types of public records. The Department maintains its records for at least the minimum time specified in the Local Government Common Records Retention Schedule (CORE). Retention beyond the legal limitation minimum will be based on the continuing need for the document.

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806.6 COURT ORDERS

The Records Supervisor shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Records Supervisor shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

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Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.1.1 INTEGRATION WITH CITY POLICY

In addition to this policy, the Police Department will follow City of Bremerton Policy 2-20-19 - Public Records Act Rules. If any conflict exists between this policy and City policy, City policy shall prevail. Any such conflict should immediately be brought to the attention of the Department.

810.2 POLICY

The Bremerton Police Department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

810.3 PUBLIC RECORDS OFFICER

The City Clerk has been designated by the City Council as the City's Public Records Officer. The Public Records Officer will oversee compliance with the Public Records Act. In order to provide for a more efficient response to requests for public records, the City has designated various records coordinators throughout the City. For requests for records held by the Police Department, the Support Services Lieutenant and the Records Supervisor have been so designated.

The Records Supervisor is responsible as the point of contact for members of the public when requesting disclosure of public records and, in conjunction with the City Public Records Officer, in overseeing the Department's compliance with the public records disclosure requirements.

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

810.4.1 DENIALS

(a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).

(b) Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

810.5 TRAINING

The Public Records Officer shall complete a training program consistent with the Attorney General’s model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

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810.6 SECURITY BREACHES

Members who become aware that any Bremerton Police Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes:

(a) An individual's first name or first initial and last name in combination with any one or more of the following:

1. Social Security number or the last four digits of the Social Security number
2. Driver license number or Washington identification card number
3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual’s financial account
4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)

(b) Any of the data elements listed above without the individual’s first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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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 Bremerton Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

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 Bremerton 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 Bremerton 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.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Bremerton 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.

812.5 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 Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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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 (RCW 19.255.010; RCW 42.56.590).

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.

812.8 REVIEW AND CHALLENGE OF CRIMINAL HISTORY RECORDS

The Records Unit will process requests for review and challenge of Bremerton Police Department's criminal history records by the individual of said record or his attorney as authorized in Title 28, Part 20, Code of Federal Regulations (Addendum I).

On submission of fingerprints, an individual may review their criminal history record maintained by the Bremerton Police Department for purposes of determining if the information is accurate and complete. An individual requesting information from another agency must submit a request to that agency.

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812.9 RELIGIOUS AFFILIATION DISCLOSURE

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).

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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.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives and routers) with care so that potential evidence is not lost.

(g) Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.

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3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media (e.g., hard 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.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Room to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs (Personal Digital Assistant) or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network. A Faraday bag is manufactured from conducting material which blocks electromagnetic radiation and electric fields. The reception or transmission of radio waves, a form of electromagnetic radiation, to or from device with an antenna (cellular phone) can be heavily attenuated or blocked by a Faraday bag.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL IMAGES

Photos will be transferred using the designated computer, to a non-rewritable CD. Digital images will be transferred prior to viewing with any photo editing software. Transfer digital images by following the instructions at the image transfer computer.

Digital camera memory cards will be submitted into evidence when the employee is unable to transfer the images onto CD-ROM due to inoperable systems or directed by a supervisor.

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814.5.3 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Warrant Unit

815.1 PURPOSE AND SCOPE

The purpose of this policy is to establish operating guidelines and procedures for members of the Warrant Unit.

815.2 ORGANIZATION

Members of the Warrants Unit report directly to the Support Services Lieutenant and in his absence, they will report to the Investigation Supervisor. The Support Services Captain exercises command over all units within the Support Services Division.

815.3 AUTHORITY

The Warrant officer position is established under the authority of RCW 35.21 and City of Bremerton ordinance. Warrant officers are vested with the special authority to make arrests authorized by warrants and with the service of civil and criminal processes. Warrant officers will not assume legal authority beyond what is granted by their limited commission. Warrant officers may not intentionally represent themselves as, or by omission infer that they are, fully commissioned police officers.

815.4 DUTIES

The Warrant Unit's primary duties include:

(a) Service of warrants and court orders.

(b) Operation of the City's Electronic Monitoring / Home Detention program.

(c) Entering, filing, serving, clearing, civil and criminal documents.

(d) Confirming warrants of arrest, and returning warrants to the court.

(e) Receiving prisoners and escorting them to court.

(f) Extraditions.

(g) Transports of prisoners to and from other agencies.

(h) Provide prisoner transports for police officers in the field when available.

(i) Sex Offender Registration Program, which consists of address verification, and additional checks as the need arises.

815.5 EQUIPMENT

815.5.1 UNIFORMS

Uniforms authorized for Warrant officers will be readily distinguishable from those worn by police officers.

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815.5.2 BODY ARMOR
Warrant officer will be supplied with protective body armor which must be worn while in the field. They are not required to wear their assigned body armor while in the office.

815.5.3 VEHICLES
When operating a Department vehicle, Warrant officers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles. Warrant officers are not authorized to operate a Department vehicle using emergency response or to engage in any pursuits. Warrant officers may only use emergency lighting, if their vehicle is so equipped, to assist in traffic control.

815.6 BACK-UP OR ASSISTING POLICE OFFICERS
Warrant officers are not authorized to act as the primary responder to police calls for service or engage in self-initiated law enforcement activity outside the scope of their limited commission.

If Warrant officers notice violations of the law, they should observe and report, not attempting to engage, detain or otherwise influence a violator except in an emergency situation when reasonably necessary to protect themselves or others.

When in the field, Warrant officers may serve in a support role to fully commissioned police officers. Support may be provided in the form of containment, traffic control, prisoner transport, or in response to an officer's call for help.

815.7 RISK EVALUATION
Warrant officers will conduct research into the background of fugitives prior to attempting arrest in the field. When the research shows the fugitive presents an elevated and/ or unusual risk, additional precautions need to be taken. Examples of include when there is reason to believe the subject is armed or prone to violence. In such cases, a plan of arrest should be developed that carefully considers use of available assets to minimize the risk to officers, the public and the fugitive.

815.8 TRAINING
Warrants officers shall receive in-service training equivalent to that of fully commissioned police officers performing like functions. Warrants officers must attend all mandatory-training courses. This includes annual training on use of force, vehicle operations, defensive tactics and firearms.

815.9 FIREARMS
The carrying of firearms shall be in accordance with rules established for the Police Department. Warrants Officers shall qualify with their firearm in accordance with Departmental standards. All standards for qualifying or re-qualifying shall be the same as fully commissioned officers.

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815.10 EXTRADITIONS

Two warrant and/or police officers are to participate in the extradition of each fugitive. On extended or overnight extraditions, an officer of the same sex as the detainee must accompany the detainee.

The transporting officer or detective is responsible for any documents that must accompany the prisoner. Such documents will vary depending on the purpose of the transport, but could include commitment papers, warrants, detention orders and necessary medical records. For inter-state extraditions, the officers or detectives must have a properly executed governor's warrant or a properly executed waiver.

Transporting officers shall bring photographs, fingerprint cards or other items with them on extraditions to positively identify the prisoner being picked up.

Officers will comply with section of this Policy Manual covering the carrying of firearms on commercial airlines.

During transport, officers shall restrain all prisoners except as may be otherwise noted in this policy. Alternative restraint devices, such as waist or leg restraints, may be used. During long range transports, restraints shall be checked periodically to ensure that no impairment to circulation exists.

Disabled or handicapped prisoners may require special procedures. The application of restraint devices on a handicapped prisoner is governed by the subject's physical capabilities, seriousness of the charge and threat level of the prisoner.

The transporting officers will ensure that any special equipment or medicine required by the prisoner is transported along with the prisoner and request assistance when needed in order that the transport may be completed in a manner that is safe for the prisoner and the officers.

All property of the detainee and identifying booking information shall be transported with the detainee.

Toilet facilities should be utilized at the point of receipt prior to departure. However when moving fugitives over long ranges, toilet privileges become necessary. Before the fugitive is allowed to enter, the toilet facility will be inspected. If the toilet facility is large enough, one officer will enter with the fugitive and the other will position himself/herself outside to provide security. If the toilet facility is a cubical type, one officer will be stationed at the door, which will remain unlocked, and the other will take a security position.

Locations to stop for fuel and meals, or to allow detainees reasonable opportunities to use toilet facilities, should be randomly selected and alternated. Detainees should be fed meals that do not require the use of utensils (i.e. sandwiches).

Prisoners will be housed in the nearest city or county jail facility if an over-night stay is required.

Prisoners should not converse with anyone other than transport officers during extradition travel.

During extraditions involving multiple days of driving, it may be necessary for officers to rest overnight during the course of travel. Detainees, by prior arrangement, should be placed in a

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detention facility along the route. Detainees should not know what facility they will be held in, or the route of travel.

Officers are required to notify the Department of any noteworthy incident and maintain a log of time and distance traveled.

If a fugitive is injured during a transport or at a booking facility, officers conducting the transport shall seek medical attention for the fugitive and immediately notify the Department. Photographs will be taken of the injuries. A copy of medical reports should be requested. The receiving agency will be made aware of the injury/medical problem(s). If the fugitive requires transportation by ambulance or special vehicle, at least one officer will accompany him/her.

In the event a fugitive escapes while being transported, the transporting officer will immediately notify the law enforcement authorities in the jurisdiction of escape, furnishing all pertinent data concerning the escape and the fugitive, render any other assistance requested and immediately notify the Department.

815.11 COURT SECURITY

Warrant officers may be required to relieve the regularly assigned court security staff for breaks. This duty will generally be assigned to the warrant officer serving as the Electronic Monitoring – Home detention officer. When so assigned, the Warrant officer will man the security checkpoint at the main entrance to the court house, operating and monitoring the walk-through metal detector and operating the hand-held scanner.

All persons gaining access through this entrance are subject to search. Anyone refusing to walk through the metal detector will be denied entry. Contraband items will be removed and the appropriate action, depending on the item shall be taken. If applicable, the items may be returned to the person at the end of the court session.

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Chapter 9 - Custody

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Bremerton Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest and when receiving an individual from the custody of another. An officer shall conduct a custody search of an individual before transporting the person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Bremerton Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.5 STRIP SEARCHES

A strip search is most appropriately conducted at the jail, which possesses appropriate facilities, trained personnel and experience to perform the search. Jail policy will be followed in such circumstances.

No individual in temporary custody at any Bremerton 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).

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).

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901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Bremerton 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.
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

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serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).

(i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

901.5.3 RESTRICTIONS

Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a qualified physician, registered nurse or physician’s assistant may conduct a physical body cavity search (RCW 10.79.100).

(c) Except for the qualified physician, registered nurse or physician’s assistant conducting the search, persons present must be of the same sex as the individual being searched.

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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.

(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).

901.7 TRAINING

The Training Lieutenant shall ensure members have training that includes (28 C.F.R. 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.

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Electronic Monitoring / Home Detention

904.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of electronic home detention as an alternative to post-conviction jail.

904.2 DEFINITIONS

Electronic Home Detention: A program of partial confinement where the offender is confined in a private residence subject to electronic surveillance. See RCW 9.94A.030 definition of “home detention”; and State v. Swiger, 159 Wn.2d 224, 149 P.3d 372 (2006). Home detention restricts the freedom of offenders by requiring them to remain at home during specified timeframes, such as at all times, at all times except when in school or working, or at night. Home detention includes the electronic home monitoring required under RCW 46.61.5055, except any post-conviction monitoring under RCW 46.61.5055 where the monitoring does not accompany home detention in lieu of jail.

Electronic Home Detention Officer: A Bremerton Police Department employee assigned to manage the Electronic Home Detention program. The Electronic Home Detention Officer (EHDO) reports to the Support Services Lieutenant.

Electronic Monitoring Devices: The Bremerton Police Department employs two types of monitors.

(a) GPS: The offender’s location is tracked through a GPS-equipped electronic monitoring device to determine whether an offender is at home (or other locations) as stipulated by his or her EHD program and court-ordered conditions.

(b) TAD: The offender’s alcohol ingestion is continuously measured through a transdermal sensor (TAD) built into the monitoring device.

904.3 PLACEMENT POLICY

Participating in the Bremerton Police Department’s EHD program is at the discretion of the EHDO and the defendant shall have no right to participate in the program.

In order to adequately monitor offenders enrolled in its EHD program, the Police Department may limit the number of offenders in the program at one time. If the EHD program is at capacity, offenders may be denied participation in the program or referred to an approved outside agency for EHD services.

The EHDO will not assign an offender to EHD unless the sentencing court authorizes the offender to apply for EHD and the offender meets EHD program acceptance criteria. The EHDO will conduct an assessment to determine the defendant’s suitability to participate in the EHD program.

904.3.1 DISQUALIFYING CRITERIA

Offenders may be disqualified from the EHD program for the following:

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(a) Active warrant for any felony.

(b) DUI and/or DV related offenses.

(c) Local warrants/holds regardless of offense.

(d) One or more new charges after being sentenced for the current matter being reviewed.

(e) Criminal History of: Felony level violent offenses.

1. Felony sex offenses.
2. Felony drug offenses.
3. Reckless Burning in the first or second degree.
4. Assault in the third degree.
5. Assault of a Child in the third degree.
6. Unlawful Imprisonment.
7. Harassment.
8. Protection Order Violations.
9. Escape convictions.
10. Misdemeanor crimes against persons within one year preceding application.

(f) Past failure to successfully complete a sentence under the Bremerton EHD program.

(g) Non-compliance in a court-ordered treatment program.

(h) An individual whose conviction is for a Domestic Violence related crime is generally not eligible for EHD unless the individual is not residing with and has no contact with the victim.

If the EHDO determines that the defendant does not qualify for the EHD program, the EHDO will write a report explaining the disqualifying reasons and file it with the court. The EHDO will make a docket entry and provide a copy to the defendant's attorney and the Bremerton Prosecuting Attorney.

904.4 PARTICIPATION REQUIREMENTS

Participation requirements include, but are not limited to:

(a) A minimum of 5 days to serve.

(b) Sign the EHD program agreement and agree to abide by all the rules and requirements of the EHD program.

(c) Reside on the Kitsap peninsula at an approved, stable address.

(d) Have ties to the area such as family, employment, long-term relationships, etc.

(e) Pay EHD fees or qualify for indigent status.

(f) No current use of illegal drugs or excessive use of intoxicants or medication beyond what is prescribed by a medical doctor.

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(g) Have a telephone.

(h) Have stable employment, be enrolled as a full or part-time student, or be a parent who is needed in the household with no alternative child care.

904.5 FEES AND EXCEPTIONS

The Bremerton Police Department will establish a schedule of EHD fees. The offender will be required to pay all fees associated with the EHD program. A $25.00 hook-up fee is mandatory the day the offender is placed on EHD. The cost of a UA, if needed prior to being qualified for the EHD program, must be paid prior to being placed on EHD. The offender will be informed of the total enrollment cost prior to being placed on EHD. Those costs must be paid in full by the end of the EHD commitment time. Fees not paid within a week of completion of the program will be sent to collections. The EHDO may adjust fees on a case-by-case basis if the offender is indigent or receiving public assistance.

904.6 SUPERVISION RULES

Offenders in the EHD program will conform to the following requirements while enrolled in the EHD program:

(a) Report to the EHDO weekly or as required.

(b) Comply properly with the instructions for program devices.

(c) Comply with detention schedules, including times the offender may leave home for work, treatment, and other authorized activities, and times the offender must remain at home.

(d) Comply with inclusion and exclusion zones for offenders using location tracking devices.

(e) Follow instructions from the EHDO.

(f) Report to the EHDO’s office within one hour if called.

(g) Provide random urine specimens when requested at the expense of the offender.

(h) Provide random breathalyzer samples when requested.

(i) Comply with terms and conditions specified in the EHD Enrollment Agreement.

904.7 VIOLATIONS

The EHDO may terminate any offender from the EHD program for any violation of the terms and conditions specified in the EHD Enrollment Agreement.

The EHDO or his designee will notify an offender by phone of any apparent violation of program conditions, and will require the offender to report to the EHD office within a reasonable time but no later than the next business day.

The EHDO or his designee will determine if a violation has occurred during this meeting. If no violation has occurred, the offender will return to his or her normal schedule.

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If this meeting reveals that a violation probably occurred, the EHDO or his designee will forward a report to the Prosecuting Attorney's Office. The participant will be placed on the next available court calendar for a review hearing with the Judge.

If the offender is being monitored for another court or jurisdiction, the offender will be immediately removed from the program and the court of jurisdiction will be notified. All payments by the offender will be forfeited.

904.8 PROGRAM COMPLETION

Offenders successfully complete the EHD program when they serve their home detention sentence without violations and pay all fees. Offenders will return all EHD equipment to the EHDO within 24 hours of completion of term. An offender's failure to return equipment may result in criminal charges or restitution. The EHDO will notify the court of jurisdiction of an offender's successful completion of the EHD program.

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Temporary Custody of Adults

906.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Bremerton Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

906.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Bremerton Police Department prior to being released or transported to a housing or other type of facility.

906.1.2 INTERVIEW ROOMS

The Bremerton Police Department headquarters building is equipped with four secure interview rooms which, in addition to their intended use of interview and interrogation, may be used for the temporary holding of detainees who are awaiting interrogation, processing, transfer to the county jail or other administrative procedures. For the purposes of this policy, “detention” begins once a person is left secured and unattended. This chapter does not apply to detainees in rooms while being interviewed.

906.2 POLICY

The Bremerton Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

906.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

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906.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Bremerton Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Emergent Detentions Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

906.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. The member responsible for the detainee may complete paperwork in close proximity to the detainee (ie. report writing room or BAC area) but must remain within auditory range of the detainee. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

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906.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the appropriate jail or the appropriate mental health facility.

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in an interview room, immediately released or transported to jail or other facility.

906.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall do the following:

(a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Avoid placing an adult in an interview room with another adult unless no other interview rooms are available. When such placement is necessary, members shall:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

(a) Continuous, direct sight and sound supervision.

(b) Single-room placement in an interview room that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in interview rooms.

5. Ensure restrained individuals are not placed in interview rooms with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

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(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

906.4.2 NOTICE TO INDIVIDUALS

To ensure compliance with treaty obligations, including consular notification, and state and federal law, written notice shall be given to an individual being detained explaining that the individual has the right to refuse to disclose their nationality, citizenship, or immigration status and that disclosure may result in civil or criminal immigration enforcement, including removal from the United States (RCW 10.93.160).

906.5 SAFETY, HEALTH AND OTHER PROVISIONS

906.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Bremerton Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Bremerton Police Department.

The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

906.5.2 TEMPORARY CUSTODY REQUIREMENTS

Temporary detention is measured in hours, not days and does not involve overnight housing or the provision of meals except in extenuating circumstances. Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

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(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(i) Adequate furnishings are available, including suitable chairs or benches.

906.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Bremerton Police Department. They should be released or transferred to another facility as appropriate.

906.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

906.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

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(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

906.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

906.5.7 SECURITY MEASURES

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

In the event of a fire in the Bremerton Police Department Headquarters building, the discovering employee should immediately:

(a) Notify the Fire Department, on-duty supervisor and on-duty patrol personnel through CenCom.

(b) Initiate evacuation of any detainees to an area of safety through the utilization of the evacuation plan.

(c) Begin fire suppression procedures as applicable.

906.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Bremerton Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

906.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

906.7 PERSONAL PROPERTY

Officers shall take care in the handling of a detainee's property to avoid discrepancies or losses. Any personal property belonging to the detainee but retained by the officer for safekeeping shall be kept in a secure location until the detainee is released or transferred. Property belonging to the detainee, but retained by the officer as evidence, shall be placed into the evidence system according to procedures.

906.8 INTERVIEW ROOMS

A thorough inspection of an interview room shall be conducted before placing an individual into the interview room to ensure there are no weapons or contraband and that the interview room is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the interview room should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk shall be removed.

(b) The individual shall have constant auditory access to department members.

(c) The individual's initial placement into and removal from a locked enclosure shall be logged.

(d) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

906.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

In the event of any suicide attempt, death or serious injury of any individual in temporary custody at the Bremerton Police Department, the discovering officer should:

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(a) Notify CenCom

(b) Notify the supervisor

(c) When applicable, immediately render first aid and request any emergency medical assistance that may be necessary.

(d) Secure the scene in order to prevent evidence from being contaminated, destroyed, or removed.

906.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Bremerton Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

906.10.1 TRANSFER TO HOSPITAL

When an individual in custody for a violent or sex offense is taken to a hospital, the transporting officer shall remain with, or secure, the individual while the individual is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

(a) The medical care provider determines the individual does not need to be accompanied or secured.

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(b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:

1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.
2. There is no longer sufficient evidentiary basis to maintain the individual in custody.
3. In the interest of public safety, his/her presence is urgently required at another location and supervisor approval is obtained.
    (a) The officer shall make a reasonable effort to ensure a replacement officer is provided or other means of securing the individual is provided as soon as possible.

906.11 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 POLICY

In accordance with applicable federal, state, and local law, the Bremerton Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected class by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2 RECRUITMENT

The Support Services Division Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The Support Services Division Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.3 DUTY TO REPORT DISQUALIFYING INFORMATION

Employees have the duty to report to the command staff any known information which would serve to disqualify candidates.

1000.4 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Bremerton Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Bremerton Police Department (RCW 43.101.095).

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1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Support Services Division Captain shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

The Support Services Division Captain should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Support Services Division Captain should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

1000.5.4 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

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- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) (RCW 43.101.095):

(a) Be eligible for WSCJTC certification

(b) Submit to a psychological evaluation

(c) Submit to a polygraph examination

(d) Submit to a medical examination (to include a drug screening)

(e) Submit to a criminal history check

(f) Not been convicted of a felony offense

1000.8 PROBATIONARY PERIODS

The Support Services Division Captain should coordinate with the Bremerton Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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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 Bremerton Police Department utilizes a performance evaluation to measure performance and 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 performance evaluation system is used to assist in fair and impartial personnel decisions and assists with the maintenance and improvement of performance. It provides a medium for personnel counseling and facilitates proper decisions regarding probationary employees. It provides an objective and fair means of recognizing individual performance and identifies training needs.

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.

The system of the performance evaluation shall be in format approved by the Chief of Police and Human Resources. The Department may use the generalized format offered by the City or a format specifically tailored to the job classification as approved by the Chief of Police and Human Resources.

1002.3 EVALUATION PROCESS

Evaluations will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All supervisors will receive training information in how to conduct performance evaluations prior to being involved in rating a subordinate's performance during a rating period. This training may be in the form of pre-prepared written information on how the evaluating process is to be performed and/or personal training from command staff personnel.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

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Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

1002.4 EVALUATION SCHEDULE

Evaluations will be completed at least annually on a schedule as set forth in the Civil Service Rules.

1002.5 EVALUATIONS FOR TRANSFERRED EMPLOYEES

If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

1002.6 EVALUATION REVIEW

When the supervisor has completed the preliminary evaluation, it will be forwarded to the next level of the chain of command for review. The command reviewer shall review the evaluation for fairness and completeness. Following review and appropriate comments, the evaluation is returned to the supervisor so it may be presented to and discussed with the employee being evaluated.

The Division Lieutenant or Captain shall evaluate the supervisor on the quality of evaluations given.

1002.7 EVALUATION INTERVIEW

When the supervisor receives the reviewed evaluation from the command staff, 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. Employees may also write comments in the employee comments section of the performance evaluation report.

1002.7.1 CONTESTED EVALUATIONS

Any employee may contest an evaluation as prescribed under Civil Service rules.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation will be maintained in the employee's personnel file in Human Resources. A copy will be given to the employee.

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1002.9 REMEDIAL TRAINING

When an employee fails to perform at a satisfactory level, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of 'Needs Improvement' or 'Unsatisfactory', receives a corrective action to document a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

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Unit Selection, Promotions and Transfers

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process for making assignments to specialty positions, promotions and transfers.

1004.1.1 POLICY

It is the policy of the Bremerton Police Department to fairly and consistently promote and assign employees to various positions within the Department.

1004.2 SPECIALTY ASSIGNMENT SELECTION PROCESS

The following positions are considered full-time, specialty assignment transfers and are not considered promotions:

(a) General Investigations Detective.

(b) Special Operations Detective.

(c) West Net Detective.

(d) Traffic Officer.

(e) Canine Officer.

(f) School Resource Officer.

Specialized assignments may be created or disbanded to meet the operational needs of the Department. The Chief of Police or designee may reassign personnel based on the evolving needs of the Department. Reassignment of a member who is currently in a specialized assignment to another specialty unit or to the Operations Division is a management decision and will be made in accordance with any applicable provisions of the collective bargaining agreement.

1004.2.1 COLLATERAL ASSIGNMENTS

The following assignments are collateral duties. These assignments are not full time positions but rather other duties performed while assigned to a specific work group. Examples include but are not limited to:

(a) Field Training Officer.

(b) Defensive Tactics Instructor.

(c) Mountain Bike Patrol.

(d) Crime Scene Investigator.

(e) C.V.S.A. Operator.

(f) Drug Recognition Expert (D.R.E.).

(g) Range Instructor.

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(h) S.W.A.T.

1004.3 SELECTION PROCESS

Announcements issued to advertise the filling of vacant or newly created specialty assignment positions will be distributed by General Information Bulletin. Each announcement will contain the opening date for submitting transfer requests; the closing date which is 10 business days from the opening date (with exceptions authorized by the Chief of Police); the minimum qualifications an applicant must have; the amount and type of additional training required following assignment to the position, if any; a short synopsis of the duties of the position; and the working conditions such as days off, odd shifts, shift hours, etc.

Employees wishing to apply for an announced position are to submit a request through their chain of command.

The applicable Division Captain or designee shall review all requests for posted positions to validate that each applicant meets the established minimum qualifications for the position. Should any applicant fail to meet the minimum qualifications, the specific reasons should be noted on the applicant's request. The applicant will be informed of their inelligibility and excluded from the selection process.

The applicable Division Captain or designee shall assemble all requests and, if needed, schedule and convene a selection board. The board may be composed of Department employees, appropriate individuals from outside the organization or a combination of both. The board shall convene, review applications and hold interviews (if necessary). Interview performance by a candidate on the day of the selection boards should not be the sole determining criteria. When evaluating candidates, the board should consider if the candidate:

(a) Has expressed and demonstrated an on-going interest in the position.

(b) Possess special skills, aptitudes, training, education and experience is it applies to the position.

(c) Has previously demonstrated abilities in areas related to the position; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

(d) Has demonstrated work performance and history (quantity, quality and initiative in self-directed activities).

(e) Has demonstrated the ability to work as a team member with peers and supervisors.

The selection board will forward their recommendations to the Division Captain or designee for review. The Chief of Police will review and make the final selection. The Division Captain will notify the candidates of the staff's selection. Upon appointment or transfer a Personnel Order will be issued. The Support Services Captain is responsible for the maintenance of all documents related to the selection process.

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1004.4 PROMOTIONAL SPECIFICATIONS

The Department will make available to employees all promotional bulletins, as announced by Civil Service. Announcements are posted on employee bulletin boards. Published announcements can also be obtained in the Human Resources Office.

1004.5 TRANSFERS

All transfer requests or watch assignment change requests will be submitted in writing to the individual employee's Division Captain through the chain of command, noting the reason(s) for the requested change. The decision on all requests for transfer will be based on the needs of the Department taking into account the needs of the requesting employee and applicable provisions of the collective bargaining agreement.

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Anti-Retaliation

1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

1008.2 POLICY

The Bremerton Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1008.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1008.7 WHISTLE-BLOWING

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Support Services Captain for investigation pursuant to the Personnel Complaints Policy.

1008.7.1 DISPLAY OF REPORTING PROCEDURES

The Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

1008.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of 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 employees are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift 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).

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, on- or off-duty (41 USC § 8103) except when necessary to perform official duties (i.e. collection of evidence or controlled buys). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members are prohibited from purchasing, possessing or using alcohol on department premises or on department time. 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).

1012.4.1 AUTHORIZED USE DURING INVESTIGATIONS

Consuming alcohol by members while on duty is prohibited except when it is necessary for the furtherance of an investigation (i.e. undercover operation). This may only by done with the supervisor's approval while exercising caution and good judgment. When so authorized, officers will not consume an amount of alcohol which would impair their on-duty performance. Immediately after the operation, the officer will notify the supervisor that alcohol was consumed. The officer will not take police action and will remain at his/her place of work until the effects of the alcohol are gone. Supervisors are responsible to see members do not drive a vehicle while still under the effects of alcohol.

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 alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 REQUESTING SCREENING TESTS

Per the City of Bremerton Drug Free Work Place policy, 3-20-05, all employees are subject to drug/alcohol testing if there is reasonable suspicion to believe they may be under the influence of drugs or alcohol.

1012.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

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(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

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 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50.04.010 et seq.).

1014.2 POLICY

It is the policy of the Bremerton Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (WAC 296-128-750).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1014.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1014.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (RCW 49.46.210; WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

1014.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) When appropriate, counseling members regarding inappropriate use of sick leave.

(d) Referring eligible members to an available employee assistance program when appropriate.

1014.6 DEPARTMENT OF HUMAN RESOURCES

The Human Resources Manager shall ensure:

(a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.

(b) This Sick Leave Policy is readily available to all employees.

(c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

1014.7 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to work in concert with the City of Bremerton Exposure Control Plan for Bloodborne Pathogens and Airborne Pathogens and provide procedures 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. Conflicts in this policy with the City of Bremerton Exposure Control Plan should be reported to the City Risk Manager and/or City Safety Officer for resolution. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with bloodborne pathogens (BBP), aerosol transmissible diseases (ATD) and other potentially infectious substances.

(b) To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Bremerton Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Bremerton Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

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1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer (ECO). The ECO shall be responsible for:

(a) The overall management of the Department's compliance with the City of Bremerton's Exposure Control Plan (ECP) for Bloodborne and Airborne Pathogens.

(b) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan, and remaining current on all legal requirements concerning BBP and other communicable disease.

(c) Coordinating Department training with the Risk Management Specialist to include maintaining an up-to-date list of police personnel requiring training.

(d) In consultation with the City's Risk Management Specialist, reviewing and updating the City of Bremerton's ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, protective shoe covers or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) In accordance with the City of Bremerton's ECP, decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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(a) Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure that the City of Bremerton Bloodborne/Airborne Pathogen Exposure Incident Report is completed and the following information is documented (WAC 296-823-16005):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

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The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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1016.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Bremerton Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Bremerton Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Bremerton Police Department to prohibit the use of tobacco products by employees while in direct contact with the public in uniform or performing official functions in the public view. This includes traffic control, accident investigation, offense investigation or otherwise transacting business with the public.

1018.3 EMPLOYEE USE

Employees may not smoke or chew tobacco while in direct contact with the public or when performing official functions, unless in an out-of-the-way location where such practice is not objectionable. Objectionable activity includes noticeable chewing tobacco in the mouth, spitting and/or visible "chew cups." Persons using smokeless tobacco will ensure disposal containers are sealed, spill-proof containers and remain out of sight. This policy also applies to employees who are working an off-duty or secondary work assignment in uniform.

Smoking is not permitted inside Department facilities or any Department vehicle. The fenced parking lot behind the police station has been designated as the smoking area.

Any tobacco product residue (i.e., cigarette butts, spit, tobacco, etc.) must be disposed of in proper receptacles. Employees will dispose of their tobacco product residue in such a manner as to not be offensive to other employees. Smokeless tobacco residue will be disposed of in a properly sealed screw top container. Employees will not dispose of any tobacco produces in urinals or toilets. Throwing, placing cigarette "butts", or spitting the tobacco products on the ground, sidewalk or into containers is not permitted and detracts from the Department's professional image.

Employees who choose to use tobacco products will take necessary measures to prevent injuries, fires, stains, litter, accidents, or other damage to buildings, grounds, or other property that could result from the use of such products.

Employees may be held responsible for damages caused by their use of tobacco products. It shall be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside Department facilities and vehicles.

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1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide procedures for the reporting, investigation and disposition of complaints regarding the conduct of department employees.

1020.1.1 DEFINITIONS

(a) **Personnel complaints**: An allegation of misconduct or improper job performance against a Department employee that, if true, would constitute a violation of Department policy, federal, state or local law.

(b) **Department complaint**: An expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standard of the Department that is not directed at a specific officer or group of officers.

1020.2 COMPLAINTS

It is the policy of the Bremerton Police Department to accept and investigate all complaints of employee misconduct and wrongdoing from any citizen or Department employee.

A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor. Any employee receiving a citizen's allegation against any other employee of the Department shall obtain the name, address, and phone number of the person and forward this information to a supervisor as soon as possible, regardless of whether or not the complainant wishes to come forward.

Anonymous complaints and third party complaints will be accepted and investigated to the extent possible given the information that is provided.

A complaint may be made in person, in writing, or by telephone.

If the complainant does not speak English, a suitable translator will be utilized.

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 contacted by a supervisor when sober.

Complainants shall not be required to appear in person, return to the Department at another time, swear under oath, participate in truth verification exams or acknowledge that making a false complaint is a crime for which they may be prosecuted or sued.

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.

Complaints made against a Captain should be reported directly to the Chief of Police. Any person wishing to complain about the Chief of Police will be directed to Human Resources.

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If a complainant indicates they wish to withdraw their complaint at any point, the investigation will continue to the extent possible without the complainant's assistance.

No employee shall harass (or cause another to), verbally abuse or threaten any person who files a complaint.

1020.2.1 DOCUMENTATION OF COMPLAINTS

Citizen complaint forms are available at the front counter or may be obtained from any supervisor. Complainants will not be required to fill out the citizen complaint form if they do not wish to do so, nor will a citizen complaint form be a condition or prerequisite for investigating their allegation.

Complaints should also be documented by a supervisor on an approved form. If the complaint is minor and can be adequately handled at the supervisory level, the supervisor shall include a summary of actions taken and a disposition of the complaint.

If an investigation could be jeopardized by reducing the complaint to writing, or where the confidentiality of a complainant is an issue, a supervisor may verbally report the matter to the employee's Division Captain or the Chief of Police.

The complaint form and any relevant documentation will be collected as a complaint packet. The packet will be sent to the lieutenant of the accused employee. The Division Captain will take appropriate action and forward the complaint to the Support Services Captain.

1020.3 RESPONSIBILITIES

1020.3.1 SUPERVISOR RESPONSIBILITES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

When an allegation is received, the supervisor is responsible for the initial collection of relevant information. Additional inquiries may be needed in order to determine if an allegation is factual, rises to the level of misconduct or warrants an internal investigation.

When a supervisor becomes aware of an allegation of misconduct of a potentially serious nature, he or she shall notify the command staff as soon as practicable.

If injuries are alleged, photographs of injuries as well as accessible non-injured areas should be taken once immediate medical attention has been provided. Medical records or documentation should be collected if available from the complainant.

A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to both the law and the collective bargaining agreement.

1020.3.2 SUPPORT SERVICES CAPTAIN RESPONSIBILITIES

Complaint and Internal investigations are a collateral duty managed by the Support Services Captain. The Support Services Captain shall have the authority to conduct or assign internal investigations and shall report directly to the Chief of Police. Support Services Captain will:

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(a) Receive all complaints.

(b) In consultation with the Chief of Police, determine the type of investigation required and who will investigate the allegation.

(c) Maintain regular communication with the investigator(s) and assist investigators as needed.

(d) Review all internal investigations for completeness.

(e) Present the results to the Chief of Police.

(f) Maintain all records related to complaints and internal investigations.

(g) Investigate complaints assigned by the Chief of Police.

(h) Notify the Prosecutor's Office of potential officer credibility issues.

1020.3.3 ASSIGNMENT OF COMPLAINT INVESTIGATION

Once a complaint is received by the Support Services Captain, it will be reviewed, logged and assigned for investigation, if needed. If the complaint is determined to have been satisfactorily handled by the supervisor, the Support Services Captain will close and file the complaint.

In matters regarding allegation of criminal conduct, or where a conflict of interest exists, the Chief of Police may request an investigation by an outside organization or investigator. The Support Services Captain will maintain liaison with the investigating agency or person.

1020.3.4 CLASSIFICATION OF COMPLAINTS

Minor Complaints. Most minor complaints can be resolved by the immediate supervisor. This is applicable to first time incidents of minor misconduct or procedural violations such as:

(a) Driving.

(b) Rudeness or discourtesy.

(c) Poor service.

Internal Investigations. Allegations that should be investigated as internal investigations include:

(a) Criminal conduct.

(b) Complex and time-consuming investigations.

(c) Allegations of serious misconduct.

(d) Habitual minor misconduct or patterns of minor infractions.

(e) Those investigations directed by the Chief of Police.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

The Chief of Police or designee may assign the accused employee to administrative leave pending completion of the investigation or the filing of administrative charges, subject to the provisions of the applicable collective bargaining agreement.

Any employee placed on administrative leave:

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(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

When an employee is accused of criminal conduct that occurred within the City of Bremerton, the Chief of Police may request a criminal and/or internal investigation by an outside agency, or investigator.

An employee accused of criminal conduct shall be provided with all rights afforded by law.

An independent internal investigation into the alleged criminal conduct may be conducted. It may parallel the criminal investigation and is not dependent on the conclusion of the criminal investigation.

When the alleged crime occurred outside the jurisdiction of the City of Bremerton, the Support Services Captain will maintain a liaison with the involved agency.

1020.6 INTERNAL INVESTIGATIONS

1020.6.1 ADMINISTRATIVE SEARCHES

Employees shall have no expectation of privacy when using telephones, computers, radios or other forms of communications or media devices provided by the Department.

Employees shall not store personal information or belongings with an expectation of personal privacy in such places as desks, storage spaces, office spaces, Department-owned vehicles, file cabinets or similar areas that are the property of the City of Bremerton. While the Department recognizes the need for employees to occasionally store personal items in such areas, employees should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Chief of Police or designee.

This does not extend to personally owned items such as purses, backpacks, luggage or similar items that are clearly personal in nature and stored within Department owned spaces.

Assigned lockers shall only be inspected or searched after 24-hour notice to the employee or with a search warrant.

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1020.6.2 INVESTIGATION PROCEDURES

(a) Employees will be notified of an internal investigation prior to being interviewed in accordance with the provisions of the Collective Bargaining Agreement.

(b) If the complaining party is charged with a criminal offense associated with this investigation, the investigation may be suspended until the completion of the criminal process.

(c) Information developed from administratively compelled statements of an accused employee cannot be used against employees in any congruent criminal investigation of the same allegation.

(d) Employees shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation. The employee is required to complete any requested statement and answer all questions truthfully. Failure to provide a statement and answer questions truthfully and completely is grounds for disciplinary action. An employee's failure to cooperate with an internal investigation shall be immediately reported to the Support Services Captain.

(e) Each investigation shall be conducted in a manner which thoroughly examines all the specifics of the alleged misconduct.

(f) Investigators should not accept vague and generalized responses to their questions from complainants, witnesses or the accused employee.

(g) If, during the course of an investigation, evidence is developed indicating employee misconduct not mentioned in the original complaint, the investigator shall consult with the Support Services Captain as to what action should be taken.

(h) 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, effort should be made to complete each investigation within a reasonable period following receipt.

(i) Interviews with the accused employee, taken as part of formal internal investigations, will be conducted in accordance with the provisions of the current Collective Bargaining Agreement.

1020.7 DISPOSITION OF COMPLAINTS & INTERNAL INVESTIGATIONS

1020.7.1 CASE FORMAT

All internal investigative case files should contain a record of all actions taken by investigators and all relevant statements, reports, documents, physical evidence, and/or photographs.

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1020.7.2 CASE REVIEW

Upon completion of the internal investigation, the case file will be reviewed by the Support Services Captain for completeness. The Support Services Captain may direct further investigation be conducted or will submit the case file to the Chief of Police.

When the Chief of Police is satisfied that the internal investigation was thorough, complete and has made a reasonable attempt to uncover all relevant evidence, he or she, will make a determination about each allegation, classifying each one in accordance with Policy Manual § 1020.7.3.

1020.7.3 NOTICE OF FINDINGS

(a) The Chief of Police will assign a classification to each allegation. The classifications are as follows:

1. **Unfounded** - When the investigation discloses that the allegation was false or not factual or that the alleged act(s) did not occur or did not involve Department personnel.
2. **Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.
3. **Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
4. **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

(b) A written Notice of Findings shall be sent to the accused employee. This notice shall indicate the findings for each allegation.

(c) When the findings are unfounded, exonerated or not sustained, no record of the allegation will appear in the employee's personnel file.

(d) If one or more of the allegations are sustained, disciplinary measures may be taken in accordance with the provisions of the Policy Manual, the Civil Service Rules and the current collective bargaining agreement. A record of the disciplinary action taken will be placed in the complaint investigation file as well as the personnel file of the employee.

1020.7.4 COMPLAINANT NOTIFICATION

All complainants will be provided with written notification concerning the conclusion of fact and disposition of their complaint. This requirement does not apply to anonymous complaints or when reasonable attempts to reach the complainant are unsuccessful.

1020.7.5 CLOSING THE CASE FILE

The case file of an internal investigation will be closed when the Chief of Police finds:

(a) All charges in the case to be unfounded, unsustained or exonerated.

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(b) Charges are sustained and the accused does not appeal the imposed discipline.

(c) The accused employee appeals imposed discipline and the appeal is resolved.

When a case is closed, the Support Services Captain shall:

(a) Record findings in the complaint or internal investigation log.

(b) File the entire case in the secure internal investigation storage area.

(c) Send a copy of the investigative summary and applicable notices to Human Resources if the investigation resulted in sustained findings.

1020.8 INVESTIGATIONS RECORDS

1020.8.1 CONFIDENTIALITY / SECURITY OF INVESTIGATION FILES

Complaint and internal investigation files will be kept in a secure area, accessible only to the Chief of Police, Support Services Captain, Support Services Lieutenant and the Administration office assistant. No file is to be removed from the secure area or shown to any person except upon approval by the Support Services Captain or Chief of Police.

1020.8.2 INVESTIGATION FILES AND LOGS

The following files and records are to be maintained by the Support Services Captain:

(a) Complaint Log.

(b) Internal Investigations Case Log.

(c) A complete copy of all complaint and internal investigation files for the period required by the records retention schedule.

1020.8.3 RETENTION

All formal personnel complaints shall be retained in accordance with Washington State Retention Guidelines.

1020.9 ANNUAL REVIEW

An annual review and analysis of all internal investigations will be conducted and presented to the Chief of Police.

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Discipline

1021.1 PURPOSE AND SCOPE

The disciplinary system of the Bremerton Police Department is governed by this policy, the Civil Service Rules and any existing provisions of the current labor contracts. In the event of any conflict between this policy and Civil Service Rules, employees will be afforded all rights required by the Civil Service Rules.

1021.1.1 POLICY

Discipline is a process for dealing with job-related behavior or performance that does not meet expected and communicated standards. It is the policy of the Bremerton Police Department that disciplinary actions are administered in a consistent and fair manner across all levels of the workforce.

1021.2 PROGRESSIVE DISCIPLINE

Progressive discipline is the process of using escalating responses or measures when an employee fails to correct a problem after being given a reasonable opportunity to do so. The intent of a progressive system of discipline is to persuade the employees to accept and comply with organizational directives.

Progressive discipline does not require that all discipline begin with counseling or minor discipline, nor is there a rigid set of steps that must be followed in a particular order. The level of discipline applied will be based on the totality of the facts and circumstances of each case.

In certain circumstances, it is acceptable to repeat a discipline step. For example, this may be appropriate if a significant amount of time has passed since it was last necessary to address a particular issue and the situation has only recently reappeared.

Some violations are so serious that immediate use of more significant levels of discipline, up to and including termination, is warranted for the first occurrence of misconduct.

1021.3 DISCIPLINE TABLE

	Correction Type	Who Can Give?	Due Process Proceedures?
Formal Discipline	Termination	Chief of Police	Yes
	Demotion		
	Suspension		
	Written Reprimand		
Corrective Actions	Verbal Reprimand	Any supervisor or above	No
	Counseling		
	Training		

See attachment: Capture.JPG

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1021.4 CORRECTIVE ACTION (INFORMAL DISCIPLINE)

Supervisors should address and attempt to correct minor work performance or behavioral problems at the time the deficiency is observed. The goal is to prevent relatively minor issues becoming a major problem. Corrective action may be taken by any supervisor or manager with a subordinate. All corrective actions shall be documented. Corrective action options include:

1021.4.1 TRAINING

Training may include academy classes, in-service training, formal courses or a discussion held with the employee. The training should be specifically tailored to correct the undesirable behavior or deficiency. Depending upon the nature of the misconduct or work performance issue, the Department may elect to utilize training in conjunction with disciplinary action.

1021.4.2 COUNSELING

Counseling consists of a discussion between the supervisor and the employee that is intended to change the employee's performance or conduct. The counseling should:

(a) Identify the misconduct or unacceptable work performance.

(b) Attempt to determine the reason.

(c) Define acceptable performance.

(d) Determine steps to correct the problem.

The counseling session is summarized in a Record of Discussion which provides a written record of the counseling. The record should identify the problem area, describe expected change and set timelines for improvement. The employee should be warned of the consequence for failing to correct the behavior or performance and provide a signature acknowledging the counseling has taken place.

1021.4.3 VERBAL REPRIMAND

Verbal reprimands may be issued to a subordinate by a supervisor, up to and including the Chief of Police.

1021.5 FORMAL DISCIPLINE

In cases involving serious violations, or where corrective action has been unsuccessful, formal discipline may be used to correct an employees' behavior or performance. Formal discipline is governed by the City of Bremerton Civil Service Rules. The formal discipline steps are:

(a) Letter of Reprimand.

(b) Loss of vacation.

(c) Suspension without pay.

(d) Reduction in step.

(e) Demotion

(f) Termination.

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1021.6 FORMAL DISCIPLINE PROCESS

1021.6.1 NOTICE OF CHARGE

In cases of sustained misconduct, the employee will be notified of the Chief's proposed action with a Notice of Charge if the action includes one of the formal discipline steps. The employee will also be provided with a copy of the materials considered by the Chief in recommending the proposed discipline. A copy of the Notice of Charge and proof of service will be filed with the Civil Service Officer.

1021.6.2 PRE-DISCIPLINARY HEARING

When formal discipline is recommended, the Chief of Police shall provide the employee with a pre-disciplinary hearing. The hearing is an opportunity for the employee to present any additional facts to be considered. The employee may waive the hearing.

1021.6.3 NOTICE OF DISCIPLINE

Following the pre-disciplinary hearing, the Chief of Police will consider all information received in regard to the recommended discipline and may request further investigation. The Chief of Police will affirm, modify or reject the recommended discipline. If discipline is imposed, the employee will be notified with a Notice of Discipline in accordance with the Civil Service Rules. A copy of the Notice of Discipline and proof of service will be filed with the Civil Service Officer.

1021.6.4 PENALTY CONSIDERATIONS

The following factors should be considered in determining the appropriate level of discipline:

(a) The seriousness of the offense as it relates to the nature and extent of damage, or the potential damage or future liability to the Department.

(b) The need to convey a strong deterrent effect to the employee, as well as other employees, to prevent similar infractions from occurring.

(c) The degree of employee culpability (i.e., fault) and the employee's attitude about acknowledging wrongdoing and making a commitment to improve; this includes the member's cooperation in the investigation and resolution processes.

(d) The employee's previous disciplinary and performance records.

(e) Any additional mitigating or aggravating factors.

Because the appropriateness of a penalty depends on the particular circumstances of each case, variations of penalties for similar offenses are inevitable.

1021.6.5 DISCIPLINE IMPOSED

In addition to the corrective actions listed in this policy, the Chief of Police may impose formal discipline singly or in combination. The Chief of Police may also develop and impose unique discipline solutions outside the above listed discipline schedule. This may include conduct

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agreements or other methods of dealing with the misconduct which the City and guild or union find satisfactory and applicable to the situation.

Once the Chief of Police has issued a written decision, the discipline will be imposed.

1021.7 DOCUMENTATION AND RETENTION

Documentation of corrective action retained by a supervisor for evaluation purposes should purged at the time of yearly evaluation. Any electronic copies should also be deleted. The goal is to simplify compliance with the Washington Public Records Act - R.C.W. 42.56 by maintaining a single copy in a central repository.

All documents related to corrective or disciplinary action shall be forwarded to the Support Services Captain for filing and retention. The Support Services Captain shall maintain the original record for at least the minimum retention period specified by the applicable records retention schedule. Additionally, all documents related to imposed formal discipline shall be forwarded to the Civil Service Officer and Human Resources.

1021.8 APPEAL

An employee shall have the right to appeal any formal disciplinary action imposed by the Chief through one of the following means:

(a) The Civil Service Commission as provided for in the Civil Service Rules, or

(b) Any grievance procedures outlined in the collective bargaining agreement.

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Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

1022.2 POLICY

It is the policy of the Bremerton Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1022.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1022.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with procedures for the proper use of body armor.

1024.2 POLICY

It is the policy of the Bremerton 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 Department shall issue body armor all officers that meets or exceeds the standards of the National Institute of Justice. The issued Department body armor will be rated to stop the handgun rounds carried by officers of this Department.

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

(a) Officers shall only wear agency-approved body armor. The body armor may be worn in an approved vest carrier.

(b) Body armor shall be worn when an officer is working in uniform unless exempted as follows:

1. When approved by a supervisor and the officer is assigned primarily in an administrative or support capacity.
2. When the Department determines that circumstances make it inappropriate to mandate the wearing of body armor.

(c) Personnel assigned to non-uniform assignments will wear body armor:

1. When directed by a supervisor;
2. When involved in potential high risk situations (i.e., felony warrant service, search warrant execution, etc.).

(d) When officers are involved in plain clothes assignments or undercover work that would be compromised by the wearing of body armor, the supervisor may excuse them from wearing body armor.

(e) Body armor shall be worn when taking part in Department range training.

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1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

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 Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in the following locations:

(a) City Personnel File - That file which is maintained by Human Resources as a record of an employee's employment history with the City.

(b) Medical File - All documents and correspondence related to fitness for duty, medical conditions or benefits. Includes but it not limited to injury reports, limited recovery duty status reports and fitness for duty reports.

(c) Division File - Any file which is separately maintained internally by the command staff of an employee's assigned division. The Division file contains, but is not limited to, correspondence, memos, Use of Force Evaluation reports, examples of work product or other miscellaneous documents the Division Command Staff may elect to maintain for the efficient and orderly administration of the Division.

(d) Supervisor File - Any written comment made by a supervisor documenting performance, conduct or behavior of an employee for the purpose of completing timely performance evaluations.

(e) Training File - Any file which documents the training records of an employee.

(f) Command Administrative Files - These may include but are not limited to:

1. Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.
2. Records of employee traffic collisions.
3. Secondary Work Permit applications.
4. Fitness for Duty forms.
5. Correspondence.
6. Grievances.
7. Other miscellaneous documents that the Chief of Police is required to maintain by policy or statute, or may elect to maintain for the efficient and orderly administration of the Police Department.

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(g) Pre-employment files, including background information, medical, psychological and polygraph results, will be maintained by Human Resources.

1026.2.1 EMPLOYMENT FILE SECURITY

The City personnel files are maintained by Human Resources in a manner separate and secure from other files. Medical tests, psychological evaluations and polygraph results are kept separate from personnel files in secure location.

1026.3 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1026.4 TRAINING FILE

An individual training file shall be maintained by the Operations Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Operations Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Operations Lieutenant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1026.5 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Support Services Captain in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Support Services Captain.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's City personnel file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

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1026.6 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Mayor, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.6.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Public Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

1026.6.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation.

1026.6.3 NOTICE TO MEMBER

Upon receipt of a request for information located exclusively in a member's personnel record, the Public Records Officer is responsible for providing notice to the member, the union representing the member, and to the requestor, that includes the following information (RCW 42.56.250):

(a) The date of the request

(b) The nature of the requested record relating to the member

(c) That information in the record will be released if not exempt from disclosure at least 10 days from the date the notice is made

(d) That the member may seek to enjoin release of the records under RCW 42.56.540 (court protection of public records).

1026.7 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

1026.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records in accordance with Bremerton Police Department or City of Bremerton policies regarding personnel records.

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Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

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Peer Support

1029.1 PURPOSE AND SCOPE

The purpose of the Peer Support Program is to prevent and/or lessen the potential negative impact of stress upon members by providing emotional support, information and assistance. Peer Support Team Members (Peer Supporters) are fellow employees with experience and training in stress management, critical incident stress, and crisis intervention techniques.

1029.2 POLICY

Peers can be of unique help to each other. The Bremerton Police Department's Peer Support Program is an objective, confidential, and non-judgmental resource for employees. Peer Supporters are intended to complement services provided by the City of Bremerton Employee Assistance or Wellness Programs and other services within our community. Peer Supporters are not a replacement for professional care.

1029.3 PEER SUPPORT OBJECTIVES

The objectives of the Peer Support Program are:

- To provide a readily accessible network of employees who are trained and willing to be of service to their fellow employees in need of assistance or support.
- To help employees through a temporary crisis.
- To help employees through work related critical or traumatic incidents.
- To develop awareness among employees that they are not alone, that people care, and that others are willing to listen, assess, and refer as needed.
- To develop an awareness of available professional and self-help opportunities.

1029.4 CONFIDENTIALITY

A Peer Supporter shall maintain the confidentiality entrusted to her/him and not divulge or discuss any information developed in a peer support session. No member of any rank shall ask a Peer Supporter to divulge any information acquired in their Peer Support capacity.

RCW 5.60.060 defines privileged communications between authorized Peer Supporters and law enforcement officers in the State of Washington.

The Peer Supporter shall advise the person at the onset of contact that confidentiality is to be strictly maintained except in the following instances:

- Other laws may require that a law enforcement divulge information gathered in a peer support session, such as mandatory reporting of domestic violence or other criminal conduct.
- The Peer Supporter shall divulge information where there is reason to believe that the person intends to seriously injure his/herself or another person. The Peer Supporter shall immediately notify an appropriate supervisor in the above circumstances. That

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supervisor shall make reasonable efforts to advise any intended victims in those cases.

The Peer Supporter has consent of the employee to divulge the information to another specific person or group.

1029.5 SELECTION OF PEER SUPPORTERS

Peer Supporters are selected by the Chief of Police and serve at the will of the Chief. The Chief shall select Peer Supporters using the following criteria:

- Members who demonstrate maturity, empathy, compassion, discretion, and good active listening skills.
- Submission of a letter of interest in membership.
- Department needs, such as adequate staff representation.
- Approval of the Division Captain.

1029.6 PEER SUPPORT REQUIREMENTS

In order to remain a Peer Supporter, the member shall:

- Attend and successfully complete the required training as specified in RCW 5.60.060 and approved by the Chief.
- Attend update training and/or meetings as required.
- Maintain confidentiality.
- Adhere to the policies of the Bremerton Police Department.
- If a Peer Supporter fails to adhere to the requirements of the program, he/she shall lose active status. A member who loses active status must reapply to the program following all procedures for selection of Peer Supporters.

1029.7 SUPERVISORY RESPONSIBILITIES

The Chief shall appoint a Lieutenant and a Sergeant to supervise the Peer Support Program. The supervisors should, if feasible, be members of the Peer Support Program prior to appointment and possess the desired traits for selection as a Peer Supporter.

The Lieutenant shall:

- Appoint Peer Supporters during critical incidents.
- Approve overtime compensation requests.
- Be the primary liaison with outside agencies providing Peer Support to our members.
- Be the primary liaison with outside agencies requesting Bremerton Police Department Peer Supporters.
- Ensure periodic training occurs and examinations of best practices for the Peer Support Program.

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- Ensure training requirements are met by Department Peer Supporters and outside agency Peer Supporters used by Department members.

The Sergeant shall:

- Advise of any legal changes for Peer Supporters.
- Coordinate responses for department-wide events (e.g. death or illness of a member).
- Maintain an active roster of Peer Supporters.
- Assist as a liaison with outside agencies providing or using Peer Supporters.

1029.8 USE OF PEER SUPPORT

Peer Supporters may be contacted by a member requesting assistance without authorization or appointment by the department.Appointment is only required to deem communication related to a critical incident as privileged (see Critical Incident Appointment).Peer Supporters may support a member subject to an internal investigation.Any order directing a member not to talk about any aspects of the internal investigation shall not apply to communication with Peer Supporters.

If a Peer Supporter also happens to serve on the BPOG board, the Peer Supporter will recuse him/herself from BPOG involvement with any administrative investigations or disciplinary processes.

All communications shall be confidential as outlined in the Confidentiality section of this policy.

1029.9 CRITICAL INCIDENT APPOINTMENT

A Critical Incident is any event, on duty or job related off-duty, involving actual or threatened death or serious injury, which has the potential to create a sense of fear, helplessness, horror or general distress, or an event that is overwhelming to the natural defenses of an officer.

A Peer Supporter shall not provide Peer Support if that Peer Supporter is a witness, participant, or investigator in the same critical incident.

The member should select his/her Peer Supporter from the list of authorized individuals from this agency. If the member selects a Peer Supporter from another law enforcement agency, that Peer Supporter shall be trained in Peer Support and identified as a Peer Supporter by that agency's Sheriff or Chief of Police.

Only those holding the rank of Lieutenant or higher are authorized to assign Peer Supporters to an employee regarding a critical incident. Once the member selects his/her Peer Supporter, the Lieutenant shall make the appointment in writing to their Division Captain and the Chief as soon as practical.

In cases of emergencies, where it is necessary to make the appointment of a Peer Supporter immediately and no Lieutenant is available, a first level supervisor may appoint a Peer Supporter.The supervisor will put this appointment in writing as soon as practical, but no longer than 24 hours from the original appointment.This appointment must be authorized by a Lieutenant or higher rank within 24 hours of the critical incident.

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Peer Support

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Commendations and Awards

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Bremerton Police Department.

1030.2 POLICY

The Bremerton Police Department shall officially recognize and honor employees who have performed acts and/or services under guidelines set forth in this policy.

1030.3 AWARD RECOMMENDATION

Any employee may initiate recommendations for awards. The recommendation should be submitted to the Chief of Police, by e-mail or memorandum, as soon as practical after the incident.

1030.4 MAINTAINING THE INTEGRITY OF AWARDS

Awards must be reserved for situations that meet or exceed the criteria of the award. To maintain the integrity of this program, the Department must guard against an easing of the standards over time or making awards for political purposes.

1030.5 AWARD DESCRIPTIONS AND CRITERIA

1030.5.1 MEDAL OF VALOR

The Medal of Valor may be awarded when an employee who, in the line of duty, performs an act of conspicuous, extraordinary heroism above the normal call of duty, at personal hazard to life. The employee must not have used poor judgment or procedures which created the necessity for their actions. The Medal of Valor may be presented posthumously.

1030.5.2 PURPLE HEART MEDAL

A Purple Heart Medal may be awarded when an employee of this Department, who during the actual performance of official department duties, suffers serious bodily injury or death as a direct result of hostile actions of another or while attempting to save or rescue the life of another. This award is not intended for injuries from accidental causes such as collisions or falls, even if incurred in pursuit of a suspect.

1030.5.3 LIFE SAVING MEDAL

The Life Saving Medal may be awarded to a Department employee in appreciation for prompt and unselfish act of rendering aid and assistance to another human being that resulted in saving a life. This award is not intended for those incidents where an officer talked someone out of committing suicide.

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1030.5.4 MEDAL OF MERIT

The Medal of Merit may be awarded to a member of the police department who distinguishes them self by demonstrating a high degree of personal initiative and exemplary performance. This award should reflect a highly credible accomplishment where the member successfully concluded a major, long-term investigation, solved a neighborhood problem that had a tremendous impact on the community, or made a significant contribution to the development of a program or procedures, which had a substantial and positive impact on the Department. The performance must clearly exceed what is normally required or expected and be sufficient to distinguish the individual from those of similar experience performing comparable duties.

1030.5.5 ACCOMPANYING LETTER OF COMMENDATION

Whenever an employee is awarded a medal, an appropriate letter of commendation describing the acts resulting in the award will accompany the medal.

1030.5.5 CHIEF'S LETTER OF RECOGNITION

The Chief’s Letter of Recognition is awarded to an employee who performs a particularly noteworthy act of service or performs their duties in a consistent, superior manner and who typifies the core values of the department.

1030.6 DISPLAY OF AWARD RIBBONS

Upon receiving a medal, officers are authorized to wear the corresponding ribbon award on their uniform centered approximately 1/4 inch above their nameplate.

If officers have received more than one ribbon, they are to be worn in order, from left (the officer's left) to right, starting with the most honored medal.

No more than three (3) ribbons will be worn.

A subsequent award of the same type may be displayed as a star on the ribbon.

The Chief of Police or his designee may request or authorize actual medals be worn in lieu of ribbons for certain formal occasions.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

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 employee of this Department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.

(b) Each employee of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

(e) Any employee observing another member exhibiting an abrupt or negative change in customary behavior or physical ability resulting in an inability to perform essential functions of the position, should immediately notify a supervisor. If the supervisor is the affected member, the observing employee should notify the next person in the chain of command.

1032.3 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Whenever circumstances reasonably indicate that an employee is unfit for duty, Human Resources will be notified. The employee may be required to undergo a physical and/or psychological examination to determine the level of the employee's fitness for duty in accordance with applicable laws or City policies.

1032.4 LIMITATION ON HOURS WORKED

Absent emergency operations, employees should not work more than 16 hours in one day (24 hour) period. Except in very limited circumstances, officers should have a minimum of 8 hours off between watches. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines.

Limitations on the number of hours worked apply to watch changes, watch 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 provides procedures governing meals and breaks.

1034.1.1 MEAL PERIODS

While on duty, uniformed officers will be permitted to suspend patrol or other assigned activity on approval of the supervisor for one meal period not to exceed thirty minutes.

Distribution of the breaks shall be determined by the supervisor so they do not interfere with the officer's duties or Department operations.

When taking their meal periods, uniformed officers shall notify Cencom of their location.

No breaks or meals will be taken outside of the City limits by uniformed personnel without supervisory approval.

Meals and coffee breaks may be interrupted due to the needs of the Department. All break times are on-duty time and the officer will respond to all calls promptly.

Unless permission from a supervisor is obtained, no more than two uniformed officers will occupy an establishment while on break or lunch.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to two 15 minute coffee breaks each day.

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Overtime

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt employees who work authorized overtime either by payment of wages or the allowance of accrual of compensatory time off as agreed to in the Collective Bargaining Agreement (CBA). In the event of a conflict between the provisions of this policy and those of a properly authorized collective bargaining agreement, the provisions of the bargaining agreement shall prevail insofar as employees of the bargaining unit covered by the agreement are concerned.

1038.1.1 DEPARTMENT POLICY

(a) Under certain circumstances and conditions, employees may be required to remain past the regular end of the watch or to work in excess of full-time weekly hours.

(b) Non-exempt employees are not authorized to volunteer work time to the Department.

(c) 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 watch and in no case later than the end of watch in which the overtime is worked.

(d) Employees may not use vacation leave to work an overtime assignment in another unit of work within the Department during the employee's normally scheduled work day.

(e) The individual employee may request compensatory time in lieu of receiving overtime payment as set forth in the Collective bargaining Agreement (CBA).

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor. Failure to submit a request for overtime payment in a timely manner may result in a delay of compensation to a later pay period. Employees unable to complete overtime request forms within the specific pay period when the overtime was earned shall submit a memorandum explaining the reason for the delay in the submittal of that overtime form for that particular pay period.

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 watch supervisor. An employee's signature on overtime request attests that the information is correct and authenticates the request for compensation.

1038.2.2 SUPERVISORS RESPONSIBILITY

Before approving the request, the supervisor who receives a request for overtime or compensatory time earned shall verify that:

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(a) The form is complete to include all relevant information needed to make an approval decision. If the supervisor receives an incomplete form, the form will be returned to the officer for accurate completion.

(b) The overtime was worked.

(c) The requested time is correct, appropriate and in accordance with current policies, the collective bargaining agreements, General Information Bulletins or memorandums of understanding.

The supervisor's signature indicates his/her review of the overtime request form and certifies the appropriateness of the claim in accordance with Department policy and Collective Bargaining Agreement obligations.

After the entry has been made in the computerized time book, the overtime payment request form is forwarded to the employee's Division Lieutenant for final approval.

1038.2.3 DIVISION STAFF RESPONSIBILITY

The Division Lieutenant will review and act as a second check to a supervisor's approval of an overtime request. Lieutenants should ensure the requested time is appropriate and in accordance with current policies, the collective bargaining agreements, General Information Bulletins or memorandums of understanding before approving the request.

The lieutenant's signature indicates his/her review of the overtime request form and certifies the appropriateness of the claim in accordance with Department policy and Collective Bargaining Agreement obligations. If approved, the overtime payment request will be forwarded to the appropriate office assistant in charge of that employee's payroll.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record:

(a) The actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid in certain circumstances, (e.g., Court or Call-back). In the case of call-back or court overtime, record all pertinent times (when required calls were made, when arrived at place of duty and when secured from duty).

(b) The applicable case number, if any, in which the overtime was involved.

(c) A complete explanation of the necessity of the overtime or any other relevant details so that supervisors may make approval decisions without additional research.

1038.3.1 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 approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Separations from Service

1039.1 PURPOSE AND SCOPE

This policy provides procedures regarding separation or dismissal from the police service.

1039.2 RETIREMENTS

Notification of retirement of any employee of the Department will be submitted in writing to the Chief of Police two weeks prior to leaving service. Terms of the retirement will comply with applicable L.E.O.F.F. and P.E.R.S. provisions and other agreements.

1039.3 RESIGNATION

Resignation by any employee in good standing of this Department will be submitted in writing to the Chief of Police at least two weeks prior to leaving service. Terms of the resignation will comply with Civil Service Rules and the policies of this Department.

1039.4 RETURN OF DEPARTMENT PROPERTY

When any employee permanently vacates their office, the employee shall surrender all Department equipment and property to the Department. Supervisors are responsible for ensuring that separating or retiring employees return all Department property. Supervisors will be responsible for making all reasonable attempts at recovering Department property that has not been returned. Efforts may include phone calls, letters, and in-person contacts. All efforts will be documented. If, after reasonable efforts at recovery, Department property is still not returned, the supervisor shall complete a memo detailing the outstanding items and the efforts made to recover them. All documentation should be attached to the memo, which shall be forwarded through the chain of command to the Chief of Police.

1039.5 CJTC NOTIFICATION OF SEPARATION

Upon separation of service of a peace officer for any reason including retirement, resignation, termination, disability or death, the Department will notify the Criminal Justice Training Commission on the appropriate form within fifteen days in accordance with the requirements of RCW 43.101.35.

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Outside & Off-Duty Employment

1040.1 PURPOSE AND SCOPE

This policy governs secondary employment, delineates the types of secondary employment that are appropriate, and establishes procedures to maintain accountability of work outside regular assigned work shifts. These procedures ensure that secondary employment, which consists of part-time or off-duty employment, does not interfere with the primary responsibility of law enforcement officers to serve this agency.

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

POLICY

It is the policy of the Bremerton Police Department to permit regulated secondary employment. The Department shall, however, impose reasonable limitations on such employment to ensure its integrity is maintained and the Department receives full and faithful service in return for expended resources. This Policy applies to all employees.

1040.1.1 DEFINITIONS

Outside Employment - Any employment where a employee of this Department receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. Outside employment does not require the use, or potential use of law enforcement powers by the police officer employee, and is not performed during assigned hours of duty. An employee who owns or operates any private business, works on commission, or receives compensation in any form from any person, firm, or corporation other than the Police Department is considered to be engaged in outside employment. Examples include photography, property management, construction, marketing, retail sales, and other commercial pursuits.

Off-Duty Employment - Any employment that is conditioned on the actual or potential use of law enforcement powers by the off-duty police employee for an employer other than the Bremerton Police Department is considered off-duty work. An employee may work off-duty where the entity has a contract agreement with the City for police officers who are able to exercise their police duties. Examples include traffic control and pedestrian safety, crowd control, security, and protection of life and property, routine law enforcement for public authorities, sporting events, dances, construction projects, exhibitions, concerts, and plain clothes assignments. This also includes law enforcement services provided to other City of Bremerton departments which the officers work on an overtime basis.

Secondary Employment - Refers to both Outside Employment and Off-Duty work. Commonly used when referring to the Secondary Employment Permit used to authorize both types of work.

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1040.2 OBTAINING APPROVAL - SECONDARY WORK PERMIT

(a) No employee of this Department may engage in any secondary employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for secondary employment or engaging in employment prohibited by this policy may lead to disciplinary action.

(b) In order to be eligible for secondary employment, a police employee must be in good standing with the Department. Continued agency approval of a police employee's secondary employment is contingent on such good standing.

(c) In order to obtain approval for secondary employment, the employee must complete a Secondary Work Permit which shall be submitted for each separate activity through the chain-of-command to Division Captains for tentative approval. Approval must be given prior to the employee engaging in secondary employment. The application will then be forwarded through channels to the Chief of Police for consideration. The Chief of Police gives final review and approval.

1. If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Secondary Work Permit in a timely manner.

2. Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

(d) Officers who are on probation and in the Field Training Officer Program (FTO) will be prohibited from off-duty work. During the remainder of the employee's probationary period, participation in off-duty employment will be reviewed on a case-by-case basis.

(e) Employees who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in secondary-duty employment unless authorized by the Chief of Police.

1040.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

A Secondary Work Permit may be revoked or suspended under the following circumstances:

(a) When the secondary employment results in inefficient or reduced performance by the employee or an excessive use of sick leave.

(b) The employment is found to involve misuse of the police commission.

(c) Where it is determined that such secondary employment is not in the best interest of the Department.

(d) As a term or condition of sustained discipline.

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(e) When an employee is unable to perform at a full duty capacity due to an injury or other condition until the employee has been cleared to return to full duty status.

(f) Violation of any provisions for assignment of details, or failing to comply with policies and procedures for outside or special details.

(g) Establishing a pattern of failing to report for assignments or tardiness.

(h) Lack of proper equipment, unacceptable appearance, performance, or conduct.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Secondary Work Permit submitted by an employee seeking to engage in any activity which, in its view, would:

(a) Involve the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involve time demands that would render performance of the employee's duties for this Department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(c) Conflict with the best interests of the City. Examples of employment which may constitute a conflict of interest include, but are not limited to:

1. Employment involving bail bond agencies.

2. Employment as a process server, bill collector or for any credit or collection agency or in any capacity involving repossession of motor vehicles or other property or eviction from premises.

3. Employment as an investigator for insurance companies, collection agencies, private investigators, or attorneys.

4. Employment as an investigator or in any capacity involving the use of police records for other than law enforcement purposes.

5. Employment for any business that provides private investigations, background checks, or administers deception detection exams.

6. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil proceeding.

7. Employment at any business licensed, inspected or regulated by the City. This includes:

(a) Employment that involves the officer's operation or control of any taxicab.

(b) Any employment which has any connection with towing vehicles for a company that operates within the City.

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8. Employment at pawn shops.
9. Employment as a private security guard or a security guard company, armored car service, or similar provider of armed or protective services or performing personal security or bodyguard services for any individual person.
10. Employment that involves the sale, manufacture or transport of alcoholic beverages as the principal business. This includes employment as doormen, bouncers or in similar security roles in any establishment that serves liquor. The Chief of Police may grant special permission under certain circumstances such as community festivals and charitable functions wishing to hire off-duty officers. This section does not prohibit the home production of wine or malt beverages for personal consumption as may be allowed by law.
11. Employment in any gambling establishment.
12. Employment in any establishment characterized as an adult entertainment business or massage parlor.
13. Employment related to the protection of management, employees, or property during a strike or labor dispute.
14. Any employment by any other municipality or political subdivision of the State, except by express permission of the Chief of Police
15. Any employment which requires affiliation, membership, or allegiance, which would tend to interfere with the proper discharge of one's duties as an employee of the Department, or with their loyalty to the Department or the public trust.
16. Any employment which would involve the officer in a violation of any federal or state statutes, or in a violation of any rule, regulation, or written directives of this Department.
17. Any situation where the Chief of Police feels that the proposed employment would not be in the best interest of the Department or might impair the operation or efficiency of the Department or officers.

The Chief of Police may make exceptions to the above conditions of secondary employment if extenuating circumstances exist and there is no statute prohibiting an employee of the Department from engaging in such employment.

Engaging in secondary employment which is prohibited by this policy is cause for discipline.

1040.3.1 OFF-DUTY SECURITY AND PEACE OFFICER EMPLOYMENT

Any private organization, entity or individual seeking special services for security or traffic control from employees of this Department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and paid through the Department.

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(a) Should such a request be approved, any employees working such assignments shall be subject to the following conditions:

1. The officer(s) shall wear the Department uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this Department.
3. No officer may engage in such employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. No officer may engage in off-duty employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 SECONDARY EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved secondary employment assignment shall be required to complete all related reports in a timely manner pursuant to department policy.

1040.3.3 PROCEDURES / SPECIAL RESTRICTIONS

(a) Except for emergency situations or with prior authorization from the Division Captain, undercover officers or officers assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the officer's status as a law enforcement officer.

(b) Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.

(c) An officer engaged in any secondary employment is subject to call-out and may be expected to leave any secondary employment. Employees directed to report for overtime work will do so regardless of their secondary employment situation.

(d) While engaged in off-duty employment, officers shall adhere to all rules, regulations, and orders governing conduct or equipment used while on duty.

(e) Upon reporting to off-duty employment, officers will notify dispatch of location and duration of shift.

(f) In any off-duty job, safety equipment, as required by the Washington Industrial Safety and Health Act, will be worn and provided by the employer and/or officer.

(g) An employee who wishes to take leave to fulfill an off-duty job obligation will ask for leave no less than 72 hours prior to the off-duty employment assignment.

(h) Employee's are responsible to find replacements when they are not able to attend off-duty employment that they previously committed to work.

(i) No employee shall solicit any individual or business for the purpose of gaining off-duty employment.

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(j) Employees working off-duty police employment will be governed by the policies, procedures, general orders and code of conduct of the Department. Employees working off-duty police employment will notify an on-duty supervisor of all reportable incidents, accidents or injuries in accordance with Department policy.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the employee's position with this Department. (See Policy Manual 1040.1.1 for definition of outside employment).

1040.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department employees engaged in outside employment who are placed on disability leave or limited duty shall inform their Division Captain whether or not they intend to continue to engage in outside employment while on such limited duty status.

Any employee who wishes to engage in outside employment while off-duty for a job related injury or occupational disease shall obtain from his or her health care provider a signed copy of the City's "Notice to Physician of Return to Work Program" or other substantially similar form which includes:

(a) An acknowledgement by the physician that they have reviewed the job description of the outside employment and,

(b) Any limitations or restrictions.

The Division Captain shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

If the Chief of Police allows outside employment to continue, all physician imposed restrictions or limitations must be followed by the employee.

In the event the Chief of Police determines that the outside employment should be discontinued, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

The criteria for revoking the outside employment permit will be that the outside employment is medically detrimental to, or impedes, the total recovery of the disabled, injured or ill employee, as indicated by a physician.

When the disabled employee returns to full duty with the Bremerton Police Department, a request may be made to the Chief of Police to restore the permit.

1040.6 APPROVING / COORDINATION / SCHEDULING

(a) Coordinating and scheduling of off-duty employment and establishing procedures will be the responsibility of the Chief of Police, or designee. This includes approval of:

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1. All off-duty work prior to being offered to employees.
2. Procedures for setting off-duty employment rates of pay.
3. Procedures for coordinating approved work as to posting, equal opportunity to sign up for job opportunities, and billing and payment for work performed.
4. The number of officers, including supervisors, needed for assignment based on the type of event.

(b) The Bremerton Police Department does not assume responsibility for guaranteeing coverage of off-duty employment requests, with the possible exception of certain events sponsored by the City and/or located at City facilities.

(c) When police officers are engaged in approved off-duty employment, they will be considered to be in the employment of the City for insurance purposes and will be insured under the same terms and conditions as apply when they are engaged in regular on-duty law enforcement duties.

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Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1042.1.2 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

1042.2 POLICY

The Bremerton Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Injured employees shall be provided a Self-Insurer Accident Report (SIF-2) form F207-002-000 (WAC 296-15-320(2)).

1042.2.2 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to their 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 Department policies and directives relating to the duty to periodically call

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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 limited duty assignment may be available. Limited recovery duty may be available for the employees whose injuries prevent resumption of regular duties. See Policy Manual § 1056.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical findings concerning the injury and all medical releases, whether partial or full releases, to Risk Management.

All employees are required to fully cooperate with accident investigations.

1042.2.3 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms in this policy. Updated copies of forms, with instructions for completion provided by Risk Management, are kept in the Sergeant's office. Employees who request a Self-Insurer Accident Report (SIF-2) form F207-002-000 shall be provided the form (WAC 296-15-320(2)).

For work-related accidents, injuries, and illnesses not requiring professional medical care, a Supervisor's Report of Injury form shall be completed and forwarded to the supervisor's Division Captain, through the chain of command.

When an accident, injury or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the Self-Insurer Accident Report (SIF-2) form F207-002-000 shall then be completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Division Captain as soon as they are completed.

1042.2.4 DIVISION LIEUTENANT RESPONSIBILITY

The Division Lieutenant 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 Division Captain.

1042.2.5 DIVISION CAPTAIN RESPONSIBILITY

The Division Captain shall review the information. All medical reports will be forwarded to the Risk Management Specialist.

1042.3 INJURY FORMS

The "Self -Insurer Accident Report Form" (SIF-2) is available in the report writing room file cabinet or from Risk Management. Fitness for Duty forms can be obtained from CobWeb.

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1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

1042.4.1 SETTLEMENT OFFERS

When an employee sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person or an agent, insurance company, or attorney and offered a settlement , the 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 occupational disease or work related injury, the employee shall provide the Chief of Police and Risk Manager 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 and Risk Manager. 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.

An injured employee involved in potential third-party liability will be advised of their rights and responsibilities as they relate to worker's compensation benefits by the City's contracted claims administrator and should cooperate fully with the claims administrator in resolving third-party claims.

1042.5 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Captain through the chain of command and a copy sent to the Support Services Division Captain.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

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Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 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.

1044.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe, but not extending below the earlobe.(e.g "hoop" style earrings)

(c) "Gauge" style earrings are not allowed.

(d) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(e) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(f) Wristwatches shall be conservative and present a professional image.

(g) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1044.2.7 MAKEUP
Appropriate cosmetics, used in moderation, may be worn by employees provided that such use does not detract from a professional appearance or constitute a safety hazard.

1044.2.8 SUNGLASSES
Sunglasses and other personal eye wear must be of a style and design that compliments the duty attire and presents a professional appearance. Mirrored lenses and flamboyant styles or colors are prohibited.

1044.3 TATTOOS
At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material or 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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1044.5 HYGIENE

When reporting for duty, an employee shall maintain appropriate personal hygiene so as not to offend fellow employees or members of the public.

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The purpose of this policy is to establish uniform and civilian attire standards for the workplace to ensure members of the Bremerton Police Department present a professional appearance to the public.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

(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. Each officer will be responsible for wearing the correct, proper-fitting uniform. Employees requiring replacement uniforms or equipment shall submit a request to the Operations Lieutenant.

(b) The uniform shall be worn as intended by the manufacturer and shall not be modified without approval of the Chief of Police or designee.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Supervisors will perform periodic inspections of their personnel to ensure conformance with standards.

(e) Civilian attire shall not be worn in combination with any distinguishable part of the uniform (uniform shirts or jackets) unless a garment is used to cover the uniform while in transit to and from work in a personal vehicle.

(f) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Department functions or events unless approval is given by the Chief of Police or designee for uniform wear outside these restrictions.

(g) Employees are not to purchase or drink alcoholic beverages while wearing any distinguishable part of the Department uniform.

1046.2.1 UNIFORM SPECIFICATIONS

Patrol uniforms are the class-A style dark navy blue uniform. The class A uniform will have two types of shirt:

(a) A short-sleeved shirt worn with an open collar and a crew neck t-shirt.

(b) A long-sleeved shirt worn with either a tie or an open collar and a crew neck t-shirt. An approved black mock turtle neck shirt may be worn with the open collared long sleeve shirt as an alternative to the crew neck t-shirt.

Unless otherwise directed, officers may wear either the short or long-sleeved uniform shirts as appropriate for the weather and temperature conditions.

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A department approved jumpsuit may be worn as an alternative to the class-A uniform. The jumpsuit will be worn with the metal department issued badge and an embroidered name tag and BP's on the lapels.

The eight-point hat is to be worn with the class-A uniform, for on-duty use, at all formal events, and as designated by the Chief of Police. Sergeants will wear a silver-colored expandable band on their hats. All Lieutenants, Captains and the Chief of Police will wear a gold-colored expandable band across the top of the cap bill. Officers will wear a black-colored expandable band across the top of the cap bill.

The Department issued baseball hat is authorized for uniformed officers. The hat will be worn with the brim facing forward and crown sitting level on the head. The crown and brim will not be reformed or creased from its natural curvature. No worn, dirty or faded baseball hats are to be worn on duty.

Metal or sewn on name tags will be worn on the right breast pocket with the bar centered between the seams at the top of the pocket flap. Name bars or tags will be worn on all uniform jackets.

When authorized by the Department, all awards are to be worn in accordance with the Policy Manual § 1030 - Commendation Policy.

Outerwear, including jackets and rain gear, will be of a Department approved design.

1046.2.2 EQUIPMENT SPECIFICATIONS

All equipment that is carried and uniforms worn will be authorized by the Chief of Police. No personally-owned equipment will be carried unless prior permission is obtained from the Chief of Police or designee or is listed as optional below.

(a) Duty Gear - The duty gear and duty belt will be of leather or laminate basket weave design or black nylon design and of an authorized brand. All accessories worn on the duty belt will match the duty belt unless otherwise authorized.

(b) Mandatory Equipment - The following Department approved or authorized equipment must be carried on the uniform duty belt, in the appropriate matching case, pouch or holder:

1. One Holster.
2. One handgun with at least two spare magazines.
3. One set of handcuffs.
4. One pepper spray aerosol can.
5. One expandable baton (Note: Either the pepper spray or expandable baton may be removed from the belt and carried in the vehicle if carrying a Taser on the duty belt).

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6. Ammunition magazine holders or magazine pouch.
7. One portable radio and holder.
8. One Taser (if issued).

(c) Optional Authorized Equipment - The following items may be optionally carried on the duty belt:

1. Folding-type knives, when trained.
2. Keys and holder.
3. Additional handcuffs.
4. Glove pouch.
5. Cell phone holder. Cell phones will not be attached or carried from the uniform or uniform epaulets.

(d) Shoes - Footwear shall be solid black in color of a military dress shoe or tactical lace-up boot style. Members will not wear shoes that are un-shined (if capable of accepting polish), scuffed, dirty, or worn beyond serviceability.

1046.3 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Collar Brass - Officers and sergeants will wear the metal "B.P." insignia on both sides of the collar of the shirt. The top of the insignia is to be parallel with the ground when the shirt is buttoned. Lieutenants and above will wear their rank insignia on the collar.

(c) Service stripes - Service stripes are issued for each three years of police service. They are worn on the left sleeve of the long sleeve shirt. They are approximately 1" from the cuff seam, along the outside edge of the sleeve crease. They are to be machine stitched onto the uniform. Service stripes apply to all years of law enforcement services as a full time, paid commissioned officer of a City, County or State Police Agency.

(d) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police. Special assignment patches are worn on the right sleeve 1" below the Department patch and centered on the sleeve. These insignias are to be worn by those actively in the position.

(e) Flag Pin - A flag pin may be worn, centered above the nameplate.

(f) Badge - The Department issues commissioned officers two badges. The badges, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

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1. Sergeant and corporal stripes are worn on all shirts and jackets. Stripes are worn 1" below the Bremerton Police patch and centered on the sleeve with the sleeve crease going through the center of the stripes.
2. Command Bar insignias are worn on the collar.

1046.3.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a Washington State law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) The death of an officer - From the time of death until midnight on the day of the funeral.

(b) National Peace Officers Memorial Day (May 15th).

(c) As directed by the Chief of Police.

1046.4 CIVILIAN ATTIRE

Members of the department wearing civilian clothing on duty shall dress in accordance with their position requirements, taking into consideration the environment, public contact, and job responsibilities. All employees should report to work clean and neat in appearance and dressed in reasonable and tasteful business attire.

Male employees who wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style. Female employees who wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style. The Chief of Police or designee may authorize the wearing of a short-sleeved collared shirt (Polo-type) for non-uniformed staff.

Clothing not generally accepted as "business" attire will not be allowed during the work day. This includes T-shirts, Flip-flops (dress sandals for women are authorized), swimsuits, tube tops, tank tops, halter-tops, Spandex pants, sweatshirts, shorts, athletic apparel, strapless or backless dresses/skirts, see-through fabrics, dresses and/or skirts shorter than 4 inches above the knee, or tops designed to expose the midriff.

No item of civilian attire may be worn on duty that would adversely affect the reputation of the Bremerton Police Department or the morale of the employees. This includes garments that have obscene or slang slogans or shirts and blouses unbuttoned to excess.

Regardless of unit of assignment, an employee may be attired in a manner appropriate to a particular situation, to include, but not limited to, casual clothing for training functions (unless otherwise indicated) and tactical surveillance assignments. Variations with this policy are allowed at the discretion of the Chief of Police or designee based on the employee's assignment or current task.

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Officers assigned in an undercover capacity may deviate from the grooming and clothing standards otherwise specified within this policy with the approval of the unit supervisor.

1046.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Bremerton 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 Bremerton Police Department, for the purpose of:

(a) Endorsing, supporting, or opposing any political campaign, initiative, social issue, religion, product, service, company or other commercial entity.

(b) Appearing in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website, including social media.

1046.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee if they choose to carry the item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage incurred during the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Bremerton Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Bremerton Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Nepotism and Conflicting Relationships

1051.1 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.

1051.1.1 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.

1051.2 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, employees 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 a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

1051.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1051.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Domestic Violence Involving Law Enforcement Employees

1053.1 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).

1053.1.1 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.

1053.2 DEPARTMENT RESPONSIBILITIES

Bremerton 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 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 Bremerton Police Department employees on the dynamics of interpersonal violence.

(d) In response to observed behavior or at the request of the employee, the Bremerton 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 another 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) Assist in providing victims of domestic violence by Bremerton Police Department employees a point of contact with the investigating agency to assist the victim through the investigative process.

(j) Provide victims of domestic violence by Bremerton 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 Bremerton Police Department employees who are alleged victims of domestic violence at the hands of employees of the Bremerton 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 Bremerton 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.

1053.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to ensure that domestic violence incidents are properly recorded and processed according to this policy, including notifying command staff.

1053.2.2 COMMAND OFFICER RESPONSIBILITIES

A command officer notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

(a) If a Department employee is involved they shall:

1. Determine if the involved employee's law enforcement powers shall be suspended and if the department-owned duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.

2. Forward information on the incident to the Chief of Police for review and further action.

3. 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:

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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 Bremerton Police Department provides appropriate reports and any other requested documentation to the employing agency.

1053.2.3 INVESTIGATIVE RESPONSIBILITIES

(a) In all instances of law enforcement domestic violence the Support Services Captain will:

1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction. The Department will generally ask an outside law enforcement agency to conduct the criminal investigation if a Department employee is involved.
2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.

(b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.

(c) For all situations involving an employee of this Department, the Support Services Captain will:

1. Contact the victim.
2. Introduce the point of contact.
3. Provide an update regarding the administrative process.

(d) The Department will adhere to and observe all procedures to ensure an accused employee's contractual and legal rights are observed during the administrative and criminal investigations.

1053.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

(a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

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(b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Support Services Captain as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.

(c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

(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 Support Services Captain within 24 hours.

(e) Employees are expected to fully cooperate with the investigation of allegations under this policy. This section is not intended to abridge the legal or contractual rights of an employee under investigation for domestic violence.

(f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.

(g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 26.50.020 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1053.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this Department (RCW 10.99.030). These incidents additionally require:

(a) On-scene supervisory presence.

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

(c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

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(d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to Human Resources.

1053.4.1 DISPATCH

The Department will request that Kitsap 911 prepare and preserve documentation of the facts of the call, including the 9-1-1 and officer dispatch recordings and MCT traffic.

1053.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

(a) The primary unit will conduct a thorough investigation, including, but not limited to:

1. Photographs of the crime scene and any injuries identified.
2. Statements from all witnesses, including children, if any.
3. The Domestic Violence Supplemental Report Form.
4. Seizure of any weapons used or referred to in the crime.
5. Signed medical releases.
6. Copies of dispatch (CAD) records.
7. 9-1-1 call recording preserved.
8. Statement of the victim; statement of the suspect.
9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
10. Complete the report as soon as possible, but prior to the completion of their shift.

(b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.

(c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

1053.4.3 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.

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(b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Bremerton Police Department involving any law enforcement officer.

(c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.

(d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.

(e) In the event of the arrest of a sworn employee of the Bremerton Police Department, the supervisor will order the surrender of the officer's Department-issued weapons and identification. All firearms that can be removed legally shall be removed and placed into the Bremerton Police Department evidence system. Where allowable under State Law or Federal Law, all other firearms owned by or at the disposal of the accused employee may be removed to reduce the victim's risk.

(f) In the event of the arrest of a sworn employee of another agency, all firearms that can be removed legally shall be removed and placed into the Bremerton Police Department evidence.

(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 Bremerton Police Department contact information, acting as the point of contact until another assignment is made.

1053.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION

The Bremerton Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

(a) Information on how to obtain protective orders and/or removal of weapons from his/her home.

(b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.

(c) A copy of this policy and any agency confidentiality policy.

(d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

(e) Information related to relevant confidentiality policies related to the victim’s information and public disclosure as provide by law.

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(f) The Bremerton Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

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Department Badges

1055.1 PURPOSE AND SCOPE

The Bremerton Police Department badge and uniform patch as well as the likeness of these items and the name of the Bremerton Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

1055.2 POLICY

The uniform badge shall be issued to Department employees as a symbol of authority and the use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried or worn by employees while on duty or otherwise acting in an official or authorized capacity.

Identification cards are the property of the Bremerton Police Department. Badges are also the Department's property unless an employee has been given written permission by the Chief of Police to obtain and possess his/her personal badge. If this is the case, a record will be kept of the employee's purchase and possession of the badge. All employees are required to notify the Chief of Police immediately in writing through the chain of command if their badge or official identification is lost or stolen.

1055.2.1 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Animal Control).

Non-sworn personnel shall not display any department badge or identification card 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 identification card 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.

1055.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may be given their assigned duty badge mounted on a plaque for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1055.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge 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.

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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.

1055.4 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 Bremerton Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Temporary Modified-Duty Assignments

1057.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1057.2 POLICY

Subject to operational considerations, the Bremerton Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1057.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Bremerton Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 12 weeks in any one-year period.

1057.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Captains or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Captain will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Division Captain, with notice to the Chief of Police.

1057.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Captain.

1057.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1057.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

(a) Periodically apprising the Division Captain of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Captain and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1057.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1057.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005 or WAC 357-26-030 et seq.

1057.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a Fitnes for Duty form completed by their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1057.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1057.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1061.1 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.

1061.1.1 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.

1061.2 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 Bremerton 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.

1061.3 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 Bremerton 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.

1061.4 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 Bremerton 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 Bremerton Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Bremerton 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) 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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(f) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Bremerton Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(g) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

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).

1061.4.1 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 Bremerton Police Department or identify themselves in any way that could be reasonably perceived as representing the Bremerton 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 Bremerton 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

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1061.5 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.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks. However, the Department shall not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (RCW 49.44.200).

1061.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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Accident, Illness and Injury Prevention

1062.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Bremerton Police Department, in accordance with the requirements of an Accident, Illness and Injury Prevention Program (AIIPP) (WAC 296-800-140 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1062.2 POLICY

The Bremerton Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related accidents, illness and injuries. The Department participates in the City Accident Prevention Program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1062.3 ACCIDENT PROGRAM

The City of Bremerton administers an Accident Prevention Program detailed in the Accident Prevention Manual found on the City's internal website.

1062.3.1 SAFETY COMMITTEE

The Bremerton Police Department participates in the City's safety committee with the goal of communicating and evaluating safety and health issues that may affect members and to promote a safe and healthy work environment.

1062.4 RESPONSIBILITIES

Supervisor should ensure member compliance with accident, prevention guidelines. This can be accomplished by answering questions from members about this policy, training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate. Supervisors should complete required forms and reports relating to accident, illness and injury prevention, submitting them to the Division Captain.

Members should observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities and use required protective clothing or equipment. Members shall not engage in any serious or repeated violation of safety standards or safe working practices. Members should notify their supervisor when:

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(a) New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.

(b) New, previously unidentified hazards are recognized.

(c) Occupational accidents, illnesses and injuries occur.

(d) Workplace conditions warrant an inspection.

1062.5 HAZARDS

Members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented and forwarded to the Division Captain via the chain of command.

The Division Captain will take appropriate action to ensure the accident, illness and injury prevention plan addresses potential hazards upon such notification.

1062.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. The City has appointed a Safety Officer who is responsible for conducting periodic health and safety inspections in all City of Bremerton facilities and for presenting the findings of those inspections to the Safety Committee and Risk Manager.

1062.6.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall notify their supervisor of any deficiencies.

1062.7 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

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A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1062.8 TRAINING

The training coordinator shall work to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices (WAC 296-800-14020). Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1062.8.1 TRAINING TOPICS

The training coordinator shall ensure that training includes:

(a) Use of appropriate clothing, including gloves, footwear and PPE.

(b) Use of respiratory equipment.

(c) Handling of bloodborne pathogens and other biological hazards.

(d) Prevention of heat stress.

(e) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed.

(f) Mitigation of physical hazards, such as heat stress and noise.

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1062.9 RECORDS

Records and training documentation relating to accident, illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Line-of-Duty Death or Serious Injury

1063.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Bremerton Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are seriously injured in the line of duty and the injuries are life-threatening or involve great bodily injury.

1063.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

Line of Duty Death Response Team (LODDRT) - Behind the Badge Foundation's Line of Duty Death Response Team are considered subject matter experts and are sanctioned by the Washington Association of Sheriffs and Police Chiefs (WASPC).The LODDRT will respond upon request of the Chief of Police, or his/her designee, and shall be support to the Department upon the death of a sworn member. The LODDRT serves at the discretion of the Chief of Police.

1063.2 POLICY

It is the policy of the Bremerton Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty. It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

This department should utilize the Behind the Badge Line of Duty Death Response Team (LODDRT) to assist with ceremonial honors, family support, and benefit coordination for the family.

1063.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Command Staff and Kitsap 911.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

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(b) A member of the Command Staff should ensure notifications are made in accordance with the Use of Deadly Force and In-Custody Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Command Staff member or designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) At least one officer should be immediately assigned to stand guard at or near the officer's hospital room.

(e) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Incident Commander as soon as practicable (see the Notifying Survivors section and the Incident Commander and Hospital Liaison subsections in this policy).

(f) The Chief of Police or designee should contact the Behind the Badge Line of Duty Death Response Team as soon as practicable to arrange the initial briefing for coordination efforts.

1063.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be a Chaplain.

The notification officers should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Notifying juvenile children should not be done by the agency. However, the agency should offer to be present if the surviving spouse/guardian wishes.

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal

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authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Family Liaison (see the Family Liaison section of this policy), if known, and the Incident Commander.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Bremerton Police Department members may be apprised that survivor notifications are complete.

1063.4.1 OUT-OF-AREA NOTIFICATIONS

The Incident Commander should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Incident Commander should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Incident Commander may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1063.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio, nor through social media outlets.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should

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be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1063.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Incident Commander.

(b) Hospital Liaison.

(c) Family Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

(i) Public Information Officer (PIO).

These liaisons and coordinators should work in close cooperation with the LODDRT.

Members may be assigned responsibilities of more than one coordinator or liaison position depending on available department resources.The LODDRT may fill some of these rolls if local resources are unavailable. The Incident Commander may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1063.6.1 INCIDENT COMMANDER

The Incident Commander should be a Division Captain or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the LODDRT, the deceased member's survivors and the Department. The Incident Commander reports directly to the Chief of Police. The Incident Commander's responsibilities include, but are not limited to:

(a) Securing a location large enough to facilitate the Incident Command Staff that will serve as the base of operations throughout the planning of the memorial.

(b) Appointing coordinators and liaisons in fulfilling survivors' needs and requests in cooperation with the LODDRT.

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(c) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(d) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(e) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(f) Coordinating all official law enforcement notifications and arrangements.

(g) Making necessary contacts for authorization to display flags at half-mast.

(h) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(i) Coordinating security checks of the member's residence as necessary and reasonable.

(j) Coordinating security at the hospital (if applicable).

(k) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1063.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Bremerton Police Department members (except for members who may be guarding the suspect).

(c) Ensure medical personnel relay pertinent information regarding the officer's condition to the family on a timely basis and before that information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Shall ensure billing goes directly to the department/finance, not to the family. The family should never see a bill.

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(h) The Chief of Police, or designee, should make every effort to be present the entire time the family is at the hospital, unless called away, at which time, a representative with sufficient decision-making authority will be appointed to arrange whatever assistance the family may need at that time.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Assist with arranging security at the hospital (if applicable).
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1063.6.3 FAMILY LIAISON

The Family Liaison shall work with the Incident Commander and the LODDRT to fulfill the immediate needs and requests of the survivors and serve as the long-term department contact for survivors.

The following should be considered when selecting the Family Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The liaison should possess good people skills, communications skills, and organizational skills.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Family Liaison include, but are not limited to:

(a) Remaining constantly available to the family.

(b) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(c) Communicating with the Incident Commander regarding appropriate security measures for the family residence, as needed.

(d) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(e) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(f) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

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1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(g) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(h) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(i) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(j) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(k) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(l) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(m) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(n) Inviting survivors to department activities, memorial services or other functions as appropriate.

(o) On the day of the funeral, the family representative should be with the widow(er) from the start of the day, until he/she returns home at the end of the day. If this is not possible for any reason, the family representative shall ensure that a uniformed officer of the department is available to escort the widow(er) at all times throughout the day.

The Family Liaison providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Family Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

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1063.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Family Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Family Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1063.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Incident Commander, Family Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
   - i. Casket watch
   - ii. Color guard
   - iii. Pallbearers
   - iv. Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial

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4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1063.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Incident Commander and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Bremerton Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1063.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. They should work closely with the City of Bremerton Human Resources Department to accomplish this task. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Death benefit (RCW 41.26.510)
2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
3. Retirement benefits (RCW 41.04.393)

(d) Researching and assisting survivors with applications for other survivor benefits such as:

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1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator and LODDRT to assist survivors with establishing a process for the receipt of public donations. (Be aware some methods may cause tax implications and further negatively impact the family.)

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1063.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police, Incident Commander and the LODDRT to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison and LODDRT to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1063.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Incident Commander to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

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1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings. This shall be coordinated through the Family Liaison before making contact with the family.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure media are notified when survivor notifications have been made.

1063.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.
- Coordinating Critical Incident Stress Debriefings as appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1063.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Use of Deadly Force and In-Custody Deaths Policy.

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Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1063.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1063.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

1063.12 CONTINUED SUPPORT OF SURVIVORS AND AGENCY MEMBERS

Members of the department must remain sensitive to the needs of the survivors long after the member's death.The agency should continue to keep in touch with the family through monthly telephone calls the first year and then quarterly after that.On the anniversary date of the employee's death, the Chief of Police or Division Captain should write to the family and arrange for flowers to be placed at the grave and wreath placement at the appropriate Law Enforcement Officers Memorial.The surviving family should be included and invited to future activities sponsored by the Bremerton Police Department.This type of support shall continue as long as the family feels this need, or until the family is ready to move on with their lives without agency assistance.

The Bremerton Police Department will provide support to its employees that will include providing counseling, as necessary and appropriate.Police witnesses and other members who may have been emotionally affected by the serious injury or death of another member will attend a Critical Incident Stress debriefing.

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Attachments

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	Correction Type	Who can give?	Due Process Procedures?
Formal Discipline	Termination	Chief	Yes
	Demotion		
	Suspension*		
	Written Reprimand		
Corrective Actions	Verbal Reprimand	Any Supervisor or above	No
	Counseling		
	Training		

* The Civil Service Rules list loss of step and loss of vacation as alternatives to suspension

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