

Bremerton Police Department

Bremerton PD Policy Manual

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.

Bremerton Police Department

Bremerton PD Policy Manual

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.

Bremerton Police Department

Bremerton PD Policy Manual

Table of Contents

LAW ENFORCEMENT CODE OF ETHICS (WASPC 2.1).	1
MISSION, VISION AND VALUES.	2
Chapter 1 - Law Enforcement Role and Authority.	8
100 - Law Enforcement Authority.	9
102 - Law Enforcement Certification.	12
104 - Oath of Office.	13
106 - Policy Manual.	14
Chapter 2 - Organization and Administration.	17
200 - Organizational Structure and Responsibility.	18
201 - Fiscal Management.	21
203 - First Line Supervision.	23
204 - Departmental Directives.	30
205 - Planning.	32
206 - Emergency Management Plan.	33
208 - Training.	35
212 - Electronic Mail.	38
214 - Department Correspondence.	40
216 - Staffing.	41
218 - Concealed Pistol License.	43
220 - Retiree Concealed Firearms.	48
221 - Open Firearm Carry.	51
223 - Agency Facilities.	52
Chapter 3 - General Operations.	53
300 - Use of Force.	54
301 - Use of Force Review.	67
302 - Transports.	70
305 - Handcuffing and Restraints.	74
306 - Duty Knives.	81
307 - Control Devices and Techniques.	83
308 - Conducted Energy Device.	89
309 - Use of Deadly Force and In-Custody Deaths.	96
310 - Firearms.	106
311 - Range Facilities.	115
312 - Vehicle Pursuits.	117
315 - Officer Response to Calls.	128
317 - Canines.	132
319 - Domestic Violence.	141
321 - Search and Seizure.	148
322 - Juvenile Operations.	153
323 - Temporary Custody of Juveniles.	155

Bremerton Police Department

Bremerton PD Policy Manual

325 - Adult Abuse.	163
327 - Discriminatory Harassment.	169
329 - Child Abuse.	174
331 - Missing Persons.	180
333 - Public Alerts.	187
335 - Victim Witness Assistance.	193
337 - Hate Crimes.	196
339 - Standards of Conduct.	198
341 - Information Technology Use.	204
342 - Criminal Investigations.	208
343 - Report Preparation.	211
344 - Police Communications.	218
345 - Media Relations.	220
347 - Subpoenas and Court Appearances.	224
351 - Outside Agency Assistance.	228
355 - Registered Offender Information.	232
357 - Major Incident Notification.	236
358 - Civil Disturbances.	238
359 - Death Investigation.	243
361 - Identity Theft.	249
362 - ADA Compliance.	250
376 - Chaplains.	258
378 - Public Safety Video Surveillance System.	263
381 - Child and Dependent Adult Safety.	266
382 - Behavioral Health Navigator.	270
383 - Service Animals.	273
384 - Volunteer Program.	276
385 - Off-Duty Law Enforcement Actions.	281
386 - Native American Graves Protection and Repatriation.	283
387 - Extreme Risk Protection Orders.	285
388 - Community Relations.	291
389 - Generative Artificial Intelligence Use.	296
390 - Department Use of Social Media.	300
 Chapter 4 - Patrol Operations.	 303
400 - Patrol Function.	304
402 - Bias-Based Policing.	306
403 - Special Weapons and Tactics Team.	309
404 - Briefing.	312
406 - Crime and Disaster Scene Integrity.	314
410 - Ride-Along Policy.	316
412 - Hazardous Material Response.	320
413 - Clandestine Labs.	323
414 - Hostage and Barricade Incidents.	326
416 - Response to Bomb Calls.	331
417 - Emergency Detentions.	335
418 - Citation Releases.	338

Bremerton Police Department

Bremerton PD Policy Manual

420 - Foreign Diplomatic and Consular Representatives.	340
422 - Rapid Response and Deployment.	344
423 - Body-Worn Cameras and In-Car Video.	350
426 - Immigration Violations.	359
428 - Emergency Utility Service.	362
429 - Response to Industrial Accidents.	363
432 - Aircraft Accidents.	364
433 - Response to Airport for Pilot Related Incidents.	368
434 - Field Training Officer Program.	370
438 - Contacts and Temporary Detentions.	373
440 - Criminal Organizations.	377
446 - Mobile Computer Terminal Use.	381
450 - Medical Cannabis.	385
452 - Bicycle Patrol Unit.	390
454 - Foot Pursuits.	394
460 - Automated License Plate Readers.	399
461 - Stolen Vehicles.	401
462 - Homeless Persons.	403
463 - Public Recording of Law Enforcement Activity.	406
464 - Watch Sergeants.	409
465 - Crisis Intervention Incidents.	410
466 - Medical Aid and Response.	415
467 - First Amendment Assemblies.	420
468 - Civil Disputes.	426
469 - Suspicious Activity Reporting.	429
 Chapter 5 - Traffic Operations.	 431
500 - Traffic Function and Responsibility.	432
501 - Vehicle Stops.	437
502 - Traffic Collision Reporting.	442
503 - Employee Involved Collisions.	445
510 - Vehicle Towing.	448
514 - Impaired Driving.	452
516 - Traffic Citations.	458
520 - Disabled Vehicles.	461
 Chapter 6 - Investigation Operations.	 463
600 - Investigation and Prosecution.	464
601 - General Investigations.	470
605 - Asset Forfeiture.	480
607 - Confidential Informants.	488
608 - Crime Scene Investigation.	493
609 - Eyewitness Identification.	495
610 - Temporary Assignment to Investigative Units.	499
611 - Brady Material Disclosure.	500
612 - Operations Planning and Deconfliction.	503
613 - Sexual Assault Investigations.	508

Bremerton Police Department

Bremerton PD Policy Manual

614 - Warrant Service.	513
615 - Unmanned Aerial System.	518
616 - Forensic Genetic Genealogy.	521
Chapter 7 - Equipment.	525
700 - Department Owned and Personal Property.	526
702 - Personal Communication Devices.	528
704 - Vehicle Maintenance.	532
706 - Vehicle Use.	535
707 - Personal Protective Equipment.	540
Chapter 8 - Support Services.	545
800 - Crime Analysis.	546
804 - Property and Evidence.	547
805 - Animal Control.	557
806 - Records Unit.	560
810 - Records Maintenance and Release.	565
812 - Protected Information.	567
814 - Computers and Digital Evidence.	571
815 - Warrant Unit.	575
823 - CJIS Access, Maintenance, and Security.	579
Chapter 9 - Custody.	584
901 - Custodial Searches.	585
904 - Electronic Monitoring / Home Detention.	591
906 - Temporary Custody of Adults.	595
907 - Transporting Persons in Custody.	604
Chapter 10 - Personnel.	609
1000 - Recruitment and Selection.	610
1002 - Evaluation of Employees.	615
1004 - Unit Selection, Promotions and Transfers.	618
1008 - Anti-Retaliation.	621
1010 - Reporting of Arrests, Convictions, and Court Orders.	624
1012 - Drug- and Alcohol-Free Workplace.	626
1014 - Sick Leave.	629
1016 - Communicable Diseases.	631
1018 - Smoking and Tobacco Use.	636
1020 - Personnel Complaints.	638
1021 - Corrective Action and Discipline.	645
1022 - Seat Belts.	649
1024 - Body Armor.	651
1026 - Personnel Records.	653
1029 - Commendations and Awards.	657
1031 - Fitness for Duty.	659
1033 - Meal Periods and Breaks.	660
1035 - Lactation Breaks.	661

Bremerton Police Department

Bremerton PD Policy Manual

1038 - Overtime.	663
1039 - Separations from Service.	665
1040 - Outside & Off-Duty Employment.	666
1042 - Occupational Disease and Work-Related Injury Reporting.	673
1044 - Personal Appearance Standards.	676
1046 - Uniform Regulations.	679
1050 - Nepotism and Conflicting Relationships.	685
1052 - Domestic Violence Involving Law Enforcement Employees.	688
1054 - Department Badges.	694
1056 - Temporary Modified-Duty Assignments.	696
1060 - Speech, Expression, and Social Networking.	699
1061 - Accident, Illness and Injury Prevention.	703
1062 - Line-of-Duty Death or Serious Injury.	706
1063 - Wellness Program.	718
Attachments.	722
Capture.JPG.	723
WA State Law Enforcement Records Retention Schedule Version 8.pdf.	724
Washington State Law Enforcement Records Retention Schedule.pdf.	725
Capture.JPG.	726
Incident Response.pdf.	727

Chapter 1 - Law Enforcement Role and Authority

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.

Bremerton Police Department

Bremerton PD Policy Manual

Law Enforcement Authority

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).

Bremerton Police Department

Bremerton PD Policy Manual

Law Enforcement Authority

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).

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.

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 or lawful permanent resident 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Policy Manual

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.

Peace officer - Includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" (RCW 10.93.020). Peace officers are generally referred to as officers in this manual (Washington State Office of the Attorney General Model Use of Force Policy).

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

Bremerton Police Department

Bremerton PD Policy Manual

Policy Manual

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.

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.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Bremerton Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Bremerton Police Department and has the authority to spend funds in the approved budget for its day-to-day operation. There are two divisions in the Police Department as follows:

- Support Services Division
- Operations Division

200.3.1 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by an assigned 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, Records, Property and Evidence, Warrants, Electronic Home Monitoring, and Community Resources.

200.3.2 OPERATIONS DIVISION

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

200.4 COMMAND PROTOCOL

200.4.1 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.

200.4.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Organizational Structure and Responsibility

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.

200.4.3 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.

200.4.4 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.

200.4.5 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.

200.5 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:

Bremerton Police Department

Bremerton PD Policy Manual

Organizational Structure and Responsibility

- (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.
- (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.

200.6 INCIDENT COMMAND

200.6.1 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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Fiscal Management

- (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 GIU Sergeant or DET Sergeant will be responsible for their Unit's investigation 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.

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 § 357.

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.

Bremerton Police Department

Bremerton PD Policy Manual

First Line Supervision

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 § 343.4).
- (b) Returning for prompt correction any report not meeting satisfactory standards of investigation or documentation (Policy Manual § 343.4.b).
- (c) Deciding what, if any, patrol follow-up actions are needed.
- (d) Directing and monitoring follow-up investigations by patrol officers.

Bremerton Police Department

Bremerton PD Policy Manual

First Line Supervision

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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

First Line Supervision

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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

First Line Supervision

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 CORRECTIVE ACTION

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 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:

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

First Line Supervision

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:

- 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

Bremerton Police Department

Bremerton PD Policy Manual

First Line Supervision

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 shift, the supervisor or O.I.C. should 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. Shift supervisors should also share pertinent information from the report during their shift briefings.

Departmental Directives

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing departmental directives.

204.2 POLICY

Departmental Directives will be used to modify policies of the Bremerton Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable collective bargaining agreements, memorandums of understanding, and other alternatives should be considered before a Departmental Directive is issued.

204.3 PROTOCOL

Departmental Directives will be incorporated into the Policy Manual, as required, upon approval. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Support Services Division Captain or the authorized designee should ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

204.4 RESPONSIBILITIES

204.4.1 COMMAND STAFF

Command staff shall periodically review Departmental Directives to determine whether they should be incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief of Police.

204.4.2 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.

204.5 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All members shall be provided access to the Departmental Directives. Members shall acknowledge that they have been provided access to and have had the opportunity to review the Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

Bremerton Police Department

Bremerton PD Policy Manual

Departmental Directives

204.5.1 CONFIRMATION OF RECEIPT

Members are required to acknowledge in writing or electronically the receipt and review of any new Departmental Directives. Signed acknowledgement forms and/or electronic receipts showing a member's acknowledgement shall be maintained by the Support Services Division Captain.

204.6 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:

204.6.1 GENERAL INFORMATION BULLETIN

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

204.6.2 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.

204.6.3 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.

204.6.4 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.

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.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

This policy clarifies the role of the Bremerton Police Department and responsibilities of its members pertaining to large-scale emergencies and the State of Washington's comprehensive emergency management plan.

206.2 POLICY

The Bremerton Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

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

206.2.1 BREMERTON CODES

An emergency management organization has been established by the City of Bremerton. This ordinance has been approved by the City Council (WAC 118-30-040).

206.3 BREMERTON CODES

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206.4 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Bremerton Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Management Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the relevant emergency management organization to assist with a mutual aid response in which local, state, and federal law enforcement agencies.

206.4.1 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 to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

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

206.5 LOCATION OF EMERGENCY MANAGEMENT PLAN

Copies of the Emergency Management Plan are available in Support Services, the Shift Sergeant's office, and Kitsap 911. All supervisors should familiarize themselves with the Emergency Management Plan and the roles members will play when the plan is implemented.

Bremerton Police Department

Bremerton PD Policy Manual

Emergency Management Plan

The Support Services Division Captain should ensure that all personnel receive periodic training on the Emergency Management Plan. The Support Services Division Captain should ensure that department members are familiar with the roles they will play when the plan is implemented.

206.6 EMERGENCY MANAGEMENT PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Management Plan Manual at least once every five years to ensure that the manual conforms to any revisions made by the emergency management organization (WAC 118-30-060). The Chief of Police or the authorized designee should appropriately address any needed revisions.

206.7 TRAINING

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

Training

208.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

208.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the Washington Criminal Justice Training Commission (CJTC) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

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 department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with CJTC rules and regulations concerning law enforcement training.

208.4 TRAINING PLAN

The training plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

208.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 - 1. All officers 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).
 - (a) Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).

Bremerton Police Department

Bremerton PD Policy Manual

Training

2. 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.
 - (a) 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.
3. All supervisors and managers will complete appropriate training and obtain certification as required by CJTC (RCW 43.101.350).
4. All officers shall complete gender-based violence incident response training required by RCW 43.101.276.
5. 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).

208.5 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 Operations Lieutenant.

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

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments unless directed otherwise by a supervisor.

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

208.6 TRAINING MANAGER

The Chief of Police shall designate a training manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The training manager should review the training plan annually.

Bremerton Police Department

Bremerton PD Policy Manual

Training

208.7 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document the absence in a memorandum to the member's supervisor.
 - 2. Make arrangements through their supervisor or the Operations Lieutenant to attend the required training on an alternate date.

208.8 TRAINING RECORDS

The training manager is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

208.8.1 TRAINING DOCUMENTATION

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

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

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.

Bremerton Police Department

Bremerton PD Policy Manual

Electronic Mail

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.

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.

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Staffing

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.

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).

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

Bremerton Police Department

Bremerton PD Policy Manual

Concealed Pistol License

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Concealed Pistol License

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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Concealed Pistol License

- (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 the licensee's right to possess a firearm as identified in RCW 9.41.047.
- (f) Receipt of an order to surrender and prohibit weapons or an extreme risk protection order, other than an ex parte temporary protection order, issued against the licensee.

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
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Concealed Pistol License

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)).

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Retiree Concealed Firearms

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

Bremerton Police Department

Bremerton PD Policy Manual

Retiree Concealed Firearms

- (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).

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.

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.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy is intended to provide clarity to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, force is used appropriately only when necessary, and the amount of force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every officer 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.

This policy incorporates the Washington State Office of the Attorney General Model Use of Force Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Chokehold - The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW 10.116.020).

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 (RCW 9A.16.010).

De-escalation tactics - Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.120.010). Using force is not a de-escalation tactic.

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.

Flight - An act or instance of running away in an effort to leave and intentionally evade law enforcement.

Immediate threat of serious bodily injury or death - Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious body injury to the peace officer or another person (RCW 10.120.020).

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

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

Necessary - Under the totality of the circumstances, a reasonably effective alternative to the use of force or deadly force does not appear to exist, and the type and amount of force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

Neck restraint - Any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow (RCW 10.116.020).

Physical force (referred to as "force" in this policy) - Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

Totality of the circumstances - All facts known to the officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer (RCW 10.120.010).

300.2 POLICY

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

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.

It is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (Washington State Office of the Attorney General Model Use of Force Policy).

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.

Nothing in this policy limits or restricts an officer's authority or responsibility to perform lifesaving measures or community caretaking functions or prevents an officer from responding to requests for assistance or service (RCW 10.120.020).

300.2.1 DUTY TO INTERVENE AND REPORT

Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

to do so, in accordance with RCW 10.93.190, to end the use of excessive force or attempted use of force, or to prevent the further use of excessive force.

Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

Peace officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required.

A peace officer who is present and visually observes another peace officer using force that is excessive per department policy shall intervene and attempt to prevent and/or stop the use of excessive force or other wrongdoing as soon as it is safe and feasible. A peace officer's duty to intervene and report will be reviewed under an objectively reasonable officer standard. A peace officer who visually observes another peace officer use force that is excessive under this policy, or who otherwise witnesses clear wrongdoing or has a good faith belief that another peace officer committed wrongdoing, shall promptly report those observations and actions to their immediate supervisor. These actions and observations shall be documented in an official report (RCW 10.93.190).

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

300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

An officer shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith wrongdoing or the unreasonable use of force by another law enforcement officer (RCW 10.93.190) (see the Anti-Retaliation Policy).

300.2.4 CRITICAL DECISION MAKING

Use of critical decision making can help officers achieve the expectations outlined in this manual. When safe and feasible, when making or considering whether to make contact with a member of the public, officers should (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Begin assessment and planning with available facts before arriving at the scene.
- (b) Request available resources, as needed, such as Behavioral Health Navigators, Emergency Medical Personnel, Animal Control, Designated Crisis Responders, or Public Works..
- (c) Collect information when on scene.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

- (d) Assess situations, threats, and risks.
- (e) Identify options for conflict resolution.
- (f) Determine a reasonable course of action.
- (g) Review and re-assess the situation as it evolves.

Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk. (Washington State Office of the Attorney General Model Use of Force Policy)

300.3 USE OF FORCE

Officers should use the least 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. Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person. Officers shall terminate the use of force as soon as the necessity for such force ends. (RCW 10.120.020).

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 CONTROL DEVICES AND TECHNIQUES

See Control Devices and Techniques Policy.

300.3.2 ALTERNATIVE TACTICS - DE-ESCALATION

When possible, officers should use all reasonably available and appropriate de-escalation tactics prior to using force (RCW 10.120.020).

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

Depending on the circumstances, officers have a number of de-escalation tactics to choose from which include but are not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use.
- (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person.
- (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.
- (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors.
- (e) Using clear instructions and verbal persuasion.
- (f) Employing verbal and non-verbal communication techniques to calm a person (e.g., speaking slowly, regulating tone and body language).
- (g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (e.g., when the person and officer speak different languages, the person is unable to hear or understand instructions).
- (h) Communicating in a way that demonstrates respect for people's dignity (e.g., clearly explaining the officer's actions and expectations, listening to the person's questions and concerns and responding respectfully, being neutral and fair when making decisions).
- (i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands.
- (j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using force.

300.3.3 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 (RCW 10.120.020):

- (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) Whether the individual is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

- (e) Whether the individual displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities, including individuals who reasonably appear suicidal.
- (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 the individual's 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) The individual is visibly pregnant or claims to be pregnant.
- (s) The individual is a minor, appears to be a minor, or claims to be a minor.
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020.
- (u) The individual has limited English proficiency.
- (v) The individual is in the presence of a child.
- (w) Any other exigent circumstances.

300.3.4 PERMISSIBLE USES OF FORCE

An officer may use force upon another person to the extent necessary under these circumstances to (RCW 10.120.020):

- (a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.
- (b) Effect an arrest.
- (c) Prevent an escape as defined under chapter 9A.76 RCW.
- (d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW 10.77; RCW 71.05; or RCW 71.34.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

- (e) Take a minor into protective custody when authorized or directed by statute.
- (f) Execute or enforce a court order authorizing or directing an officer to take a person into custody.
- (g) Execute a search warrant.
- (h) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use force to execute or enforce the directive or order.
- (i) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that the person is being detained and is not free to leave.
- (j) Take a person into custody when authorized or directed by statute.
- (k) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.
- (l) Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020).

Officers shall terminate the use of force as soon as the necessity for such force ends (RCW 10.120.020).

300.3.5 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY PRIOR TO THE USE OF FORCE

When safe and feasible, prior to the use of force, officers should (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Identify themselves as law enforcement officers.
 - 1. Identification is unnecessary when the officer has objectively reasonable grounds to believe the person is aware of this fact.
- (b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with officer commands.
- (c) Provide clear instructions and warnings.
- (d) Warn a person that force will be used unless the person's resistance ceases.
- (e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.3.6 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

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

successfully completed department approved training. Officers utilizing any pain compliance technique should consider:

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

300.3.7 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Officers of this department are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (RCW 10.116.020).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (RCW 10.120.020):

- (a) An officer may use deadly force to protect the officer or others from what the officer reasonably believes is an immediate threat of serious physical injury or death.
- (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 immediate threat 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.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themselves or property unless the person poses an immediate danger of death or serious physical injury to the officer or others in close proximity.

300.4.1 DRAWING AND POINTING A FIREARM

- (a) An officer should only draw a firearm in the low-ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be justified.
- (b) When it is determined that the use of deadly force is not necessary, the officer should, as soon as safe and feasible, lower, holster, or secure the firearm.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

- (c) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program (RCW 10.118.030).

300.4.2 RESTRICTED USE

Officers should not use a firearm in the following circumstances (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As an impact weapon except when deadly force is justified.
- (b) When it appears likely that an innocent person may be injured by the officer discharging the firearm in the direction of an innocent person.
- (c) When discharging or pointing a firearm at a person who presents a danger only to themselves and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.

300.4.3 DISCHARGE OF FIREARMS

Officers are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified. When feasible, officers shall give a verbal warning that a firearm will be discharged. Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life (Washington State Office of the Attorney General Model Use of Force Policy).

300.4.4 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks, in addition to the justification for the use of deadly force.

An officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious bodily injury resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer. (RCW 10.116.060).

When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.

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

An officer shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.

300.5 MEDICAL CONSIDERATIONS

All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement (RCW 36.28A.445) Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

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).

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall monitor the health and welfare of the person until:

- (a) The responsibility is transferred to a health care professional (e.g. EMT, paramedic); or
- (b) The person is placed in a seated position in a transport vehicle and verbalizes to the officer that they feel okay, and the person appears to the officer to be well and speaking normally.

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, 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.

See the Medical Aid and Response Policy for additional guidelines.

300.6 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. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, involved officers shall complete an approved use of force data collection form.

300.6.1 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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

- (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 conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6.2 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).

300.6.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer (RCW 43.101.135).

300.6.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Department shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in 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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Ensure all witnesses have been identified to be included in subsequent reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and notify OPS and command staff as soon as practicable if the use of force appears to violate Department policy or the law.

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.

To facilitate the use of force review, the on-duty supervisor shall ensure the following:

- (a) Involved officers' reports are complete;
- (b) Involved officers' MAV and BWC have been uploaded and properly categorized; and
- (c) Approved data collection form is completed.

When an incident results in death, serious bodily harm, or great bodily harm, the supervisor shall immediately contact a Lieutenant or Captain. The Lieutenant or Captain will consult with the Chief of Police and if the required criteria exists, the Lieutenant or Captain will contact the Office of Independent Investigations pursuant to the procedures established by the Office of Independent Investigation (RCW 43.102.120).

300.8 TRAINING

All officers and supervisors shall receive training consistent with this policy and related use of force policies at least annually. Training should (Washington State Office of the Attorney General Model Use of Force Policy):

- Be a combination of classroom and scenario-based learning.
- Include community partners, when relevant and feasible.
- Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.

This policy should be incorporated into defensive tactics curricula.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force

- (b) De-escalation tactics, including reasonably effective alternatives to force including applicable legal requirements (RCW 10.120.010).
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (g) Exercising reasonable care in determining when to use force.
- (h) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.
- (i) The Washington State Office of the Attorney General Model Use of Force Policy.
- (j) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

Use of Force Review

301.1 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.

301.2 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.

301.3 ADMINISTRATIVE LEAVE

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 on temporary administrative leave pending a the review of the incident.

301.4 KITSAP COUNTY SWAT MEMBERS

If the employee is a member of the Kitsap County Regional SWAT team and the use of force occurs during a SWAT operation, the employee shall document the use of force on the Department's data collection form. An additional use of force review may be conducted by the Kitsap County Regional SWAT team under their procedures.

301.5 USE OF FORCE REVIEW BOARD

A Use of Force Review Board will be convened when the use of force by a member results in serious injury, death or the discharge of a firearm, excluding training or recreational use. The Chief of Police may also request the Use of Force Review Board to examine the circumstances surrounding any use of force incident. The Use of Force Review Board should consist of three members to five members from the department or from an outside law enforcement agency.

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. At the discretion of the Chief of Police, the board may 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 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 complied with the law and Department policy.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force Review

- (b) The employee's actions violated the law or Department policy.

A 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 does not recommend discipline. The board chairperson will submit their finding and analysis to the Chief of Police.

The Chief of Police shall review the finding, make a final determination as to whether the employee's actions complied with the law and Department policy and determine if any additional actions, investigations or reviews are appropriate.

301.6 OFFICE OF PROFESSIONAL STANDARDS REVIEW

The Office of Professional Standards (OPS) will review all use of force incidents that do not involve serious injury, death or the discharge of a firearm. The review will examine whether the officer's actions were in compliance with the law, training and Department policy.

In consultation with the Support Services Captain, OPS may close a use of force review if they determine the officer's actions complied with the law, training and Department policy. If the officer's actions are determined to be out of compliance, the findings will be forwarded to the Support Services Captain who will present them to the Chief of Police. Upon review, the Chief may do any of the following:

- (a) Determine the officer acted in accordance with the law, training and Department Policy.
- (b) Require additional training.
- (c) Initiate a criminal or internal investigation.
- (d) Initiate an outside investigation or review.
- (e) Convene a Use of Force Review Board.

301.7 SUPPORT SERVICES CAPTAIN RESPONSIBILITIES

The Support Services Captain will manage use of force reviews. The Support Services Captain shall:

- (a) Maintain regular communication with OPS.
- (b) Review all OPS investigations for completeness.
- (c) Present out-of-compliance findings from OPS to the Chief of Police.
- (d) Notify CJTC of potentially disqualifying use of force incidents in accordance with RCW 43.101.105 and WAC 139-06-020.
- (e) Convene a Use of Force Review Board as directed by the Chief of Police.
- (f) Act as a liaison if an outside entity investigates the use of force.

301.7.1 USE OF FORCE ANALYSIS

The Support Services Division Captain shall prepare an annual management review and analysis report on use of force incidents. The report shall be submitted to and reviewed and approved

Bremerton Police Department

Bremerton PD Policy Manual

Use of Force Review

by 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.

Transports

302.1 PURPOSE AND SCOPE

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

302.2 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.

302.2.1 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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Transports

302.2.2 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.

302.3 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.

302.4 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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Transports

302.5 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.

302.6 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.
 - 1. Upon notification of the pending transport, the General Investigations supervisor will:

Bremerton Police Department

Bremerton PD Policy Manual

Transports

- (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.

Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

Because restraint devices are designed to compel, control, constrain, or restrain a person's movement, use of these devices is physical force and all considerations governing uses of physical force detailed in this policy and the Use of Force Policy apply to their use (Washington State Office of the Attorney General Model Use of Force Policy). However, physical force does not include compliant handcuffing where there is no complaint of physical pain or injury (RCW 10.120.010).

305.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Compression asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.

Positional asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses the person's airway and does not allow the person to breathe freely.

305.2 POLICY

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

305.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Handcuffing and Restraints

- 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.

Restrained persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

305.3.1 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.

305.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

305.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless suspected of committing a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, 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).

305.3.4 RESTRAINT OF DISABLED PERSONS

Officers will handcuff an individual who has a hearing, vision, or speech disability in the front of their body unless, considering the totality of the circumstances, the officer can reasonably explain why handcuffing that person in the front would present an immediate safety risk. If an officer handcuffs the person behind their body, they shall document the occurrence in accordance with the Communications with Persons with Disabilities Policy.

Bremerton Police Department

Bremerton PD Policy Manual

Handcuffing and Restraints

305.4 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.

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, ASP, Smith & Wesson). All agency supplied handcuffs are authorized. Personally purchased handcuffs meeting these criteria and approved by the Department may also be used.

If an officer loses their handcuffs, the officer will notify their Supervisor.

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 to court, officers may restrain up to three prisoners together in a row by attaching one cuff to an arm of each prisoner.

Juveniles will not be handcuffed to adults.

Bremerton Police Department

Bremerton PD Policy Manual

Handcuffing and Restraints

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.

305.5 APPLICATION OF SPIT GUARDS

A spit guard (sometimes referred to as spit hood, spit mask, or spit sock) is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood. Officers shall only use department-issued spit guards. Only officers who have successfully completed agency-approved training on the application of a spit guard are authorized to use one. (Washington State Office of the Attorney General Model Use of Force Policy)

Spit guards 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.

Prior to application of a spit guard, an officer shall warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer shall remove the spit guard as soon as the threat of spitting or biting has ended, or the officer observes that the spit guard is no longer necessary.

Officers utilizing spit guards should ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation and that the restrained person can breathe normally. After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position. Officers shall provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Officers should avoid commingling those wearing spit guards with others and detainees.

Spit guards 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 that affects their breathing, or the person demonstrates symptoms of labored or distressed breathing. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit guard, the spit guard 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 guard.

Those who have been placed in a spit guard shall be continually monitored and shall not be left unattended until the spit guard is removed. In the event of a medical emergency, spit guards should be removed immediately. Spit guards shall be discarded after each use.

Bremerton Police Department

Bremerton PD Policy Manual

Handcuffing and Restraints

305.6 APPLICATION OF CUSHIONED PROTECTIVE HELMET

The cushioned, protective, helmet is designed to provide the wearer with protection against trauma to the head.

These helmets may be placed upon persons in custody when the officer reasonably believes the person might attempt to strike their head or face on a police vehicle, rear seat, enclosure. They are generally used while the person is restrained or during or after transport.

Officers utilizing a protective helmet shall ensure it is applied 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.

Protective helmets 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 helmet, the helmet should be promptly removed. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a protective helmet.

Those who have had a protective helmet placed on them should be continually monitored and shall not be left unattended until the helmet is removed. Helmets shall be thoroughly cleaned between uses.

305.7 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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.

305.8 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints (e.g., hobble restraints) may be used to restrain the legs of an assaultive 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).

Bremerton Police Department

Bremerton PD Policy Manual

Handcuffing and Restraints

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

305.8.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on the person's stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by an officer while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The officer should ensure that the person does not roll onto and remain on the person's 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.

Officers shall not connect or assist with connecting a leg restraint to handcuffs or other types of restraints (i.e., hog-tie an individual) (Washington State Office of the Attorney General Model Use of Force Policy; RCW 10.116.022).

305.9 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 shall document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person (Washington State Office of the Attorney General Model Use of Force Policy):

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Handcuffing and Restraints

305.9.1 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.

305.10 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg restraints, 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.
- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

305.11 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.
 - 1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the officers shall place the person in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
- (b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.
- (c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.
- (d) If any officer becomes aware of an issue with the person's breathing, color, or any impairment, the officer shall inform the ranking officer.
- (e) Do not place a restrained person face down for transport.

Duty Knives

306.1 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.

306.2 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. Nothing in this policy requires any officer to carry a knife.

306.3 SPECIFICATIONS

Officers may carry a folding knife, fixed blade knife or both while on duty. The cutting edge of the 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 both.

306.3.1 FOLDING KNIVES

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 blade 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 blade knife while off duty.

306.3.2 FIXED BLADE KNIVES

Officers specifically trained and authorized may carry a fixed blade knife approved by the training manager in a manner consistent with their job assignment.

306.4 GENERAL USE AND CARRYING

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

Fixed blade knives shall be carried in an inconspicuous manner and secured in either a scabbard or other fastening device with built-in retention. They shall be carried in accordance with training to enhance retention and prevent access from suspects and the public.

Officers 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 knives in a careless or alarming manner.

Bremerton Police Department

Bremerton PD Policy Manual

Duty Knives

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

306.5 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 the Department's 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 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.

306.6 TRAINING

Only those officers who have satisfactorily completed Department-approved training in the use of a duty knife may carry one on-duty. The Department will provide training at least annually.

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Area Saturation/Denial - The use of pepper projectiles to deliberately contaminate an area with OC powder, making it uncomfortable for a subject to remain in, or enter the area

Kinetic Energy Projectile Weapon - A less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, PepperBall or similar projectile, blast balls or bean bags designed to temporarily incapacitate a person.

Oleoresin capsicum (OC) - An inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing, and swelling of the eyes, as well as choking, gagging, and gasping for breath.

Tear gas - Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear gas" does not include oleoresin capsicum (OC). (RCW 10.116.030).

307.2 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.

307.3 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 issued a conductive energy device (CED) shall carry it with them in the manner prescribed in the CED policy. An officer carrying a CED may elect to remove either OC spray or an ASP baton and store it in their duty bag.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Control Devices and Techniques

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

307.4 RESPONSIBILITIES

307.4.1 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.

307.4.2 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.

307.4.3 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.

307.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified. Officers shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option. Officers shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder.. 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.

Bremerton Police Department

Bremerton PD Policy Manual

Control Devices and Techniques

307.6 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum 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.

After the initial application of OC spray, each subsequent application must also be justified.

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons (Washington State Office of the Attorney General Model Use of Force Policy).

307.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in an authorized holder. 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.

307.6.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the use of deadly force is justified (see the Use of Force Policy).

In addition to the circumstances outlined in the Kinetic Energy Projectile Guidelines, officers may utilize pepper projectiles for area saturation/denial as a de-escalation tactic to address a non-compliant subject. When used in this manner, officers should not target the subject. Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. When practical, a supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

307.6.3 TREATMENT FOR OC EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, an officer should call for EMS or otherwise take action to address the effects of the OC by flushing the person's eyes out

Bremerton Police Department

Bremerton PD Policy Manual

Control Devices and Techniques

with clean water and ventilating with fresh air, if possible (Washington State Office of the Attorney General Model Use of Force Policy). Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

307.7 TEAR GAS

The Bremerton Police Department does not issue tear gas to its members. Any use of tear gas will only be in conjunction with SWAT duties governed by the regional SWAT team policy.

307.8 POST-APPLICATION NOTICE

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

307.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the person's body (Washington State Office of the Attorney General Model Use of Force Policy). When used properly, kinetic energy projectiles 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.

307.9.1 DEPLOYMENT AND USE

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Bremerton Police Department

Bremerton PD Policy Manual

Control Devices and Techniques

307.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (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.

An officer should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. 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. Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.
- (b) At ranges that are inconsistent with the projectile manufacturer's guidelines.
- (c) Directed at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

An officer deploying kinetic energy projectiles shall assess the effectiveness of the projectiles after each deployment. If subsequent projectiles are needed, the officer should consider aiming at a different targeted area.

307.9.3 SAFETY PROCEDURES

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

Bremerton Police Department

Bremerton PD Policy Manual

Control Devices and Techniques

When it is not deployed, the launcher will be unloaded and properly and securely stored in the vehicle.

307.9.4 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.

307.10 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.
- (d) Members who were previously employed as peace officers at another agency must successfully complete Bremerton PD training and demonstrate skill and proficiency for each weapon or control device they are issued and authorized to carry. Training provided by the previous employing agency does not meet the requirements of this policy section.

307.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

308.1.1 DEFINITIONS

Definitions related to this policy include:

Conducted energy device - A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person.

308.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

308.3 ISSUANCE AND CARRYING CEDS

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

An officer that is issued a CED is expected to carry it as an option to be considered when deadly force is not justified.

The Department will maintain a log of CEDs and the serial numbers of cartridges/magazines issued to members.

CEDs 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 inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date

Uniformed officers who have been issued the CED shall wear the device in an approved holster on the support side of the body. Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicle.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) Officers equipped with the Taser 7 should carry two cartridges with one loaded into each bay of the CED.
- (c) Officers should not hold a firearm and the CED at the same time unless exigent circumstances exist.

308.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed at the beginning of the officer's shift.

Bremerton Police Department

Bremerton PD Policy Manual

Conducted Energy Device

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to a supervisor or other appropriate personnel for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

308.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 CED may be deployed.

If, after a verbal warning, an individual fails 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, activate any warning on the device, which may include display of the electrical arc or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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 CED in the related incident report.

308.5 USE OF THE CED

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

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

308.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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, themselves, or others.

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

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

Bremerton Police Department

Bremerton PD Policy Manual

Conducted Energy Device

308.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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 potential 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) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
- (f) Individuals who are situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- (g) Individuals known to be located in water.
- (h) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters unless deadly force is justified.

The primary use of a CED is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other alternatives to deadly force are available and appropriate.

308.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, chest, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

308.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles.

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

Bremerton Police Department

Bremerton PD Policy Manual

Conducted Energy Device

- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Multiple applications of the CED increase the risk of serious bodily injury or death. Officers should not intentionally deploy multiple CEDs at the same person, unless the first deployed CED clearly fails. An officer shall consider other options if the officer has used a CED three times against a person and the person continues to be a threat, as the CED may not be effective against that person.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

308.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonable practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor. The expended cartridge, along with any probes and wire should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. After a CED application and prior to the end of an officer's shift, the CED's battery shall be docked for purposes of downloading data regarding its use. Exceptions to this rule can be made with supervisory approval.

308.5.6 OFF-DUTY CONSIDERATIONS

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

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

308.6 DOCUMENTATION

Officers shall clearly articulate and document the justification for each individual application of the CED in the related arrest/crime reports and Force Response Reporting System. Photographs should be taken of any obvious probe impact or drive-stun application sites and submitted in the Force Response Reporting System. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges shall be reported to a supervisor and unintentional discharges in the presence of the subject where force is being used shall be documented in the Force Response Reporting System. Pointing a CED at a person or arcing the device, other than for testing purposes, will also be documented in the Force Response Reporting System. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

Bremerton Police Department

Bremerton PD Policy Manual

Conducted Energy Device

308.6.1 CED USE DOCUMENTATION IN THE FORCE RESPONSE REPORTING SYSTEM
applicable based on the device type, items that should be included in the officer's Force Response Reporting System are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time and location of the incident.
- (c) Whether any warning, display, laser or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED 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 CED was used.
- (f) The type of mode used (e.g. probe deployment, 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 Force Response Reporting System to identify trends, including deterrence and effectiveness. The Department should also conduct audits of CED device data downloaded to an approved location and reconcile the Force Response Reporting System data with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

308.6.2 REPORTS

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

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

308.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, officers trained in probe removal and handling shall remove CED probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). Used CED probes shall be treated as a sharps

Bremerton Police Department

Bremerton PD Policy Manual

Conducted Energy Device

biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, 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 CED 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 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/video 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 CED (see the Medical Aid and Response Policy).

308.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where a subject has been exposed to a CED. The supervisor should review the incident, and arrange for photographs of probe sites to be taken and witnesses to be interviewed. The supervisor should also complete a print out of the CED firing log to be forwarded to the Operations Lieutenant.

308.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training and demonstrating satisfactory skill and proficiency. Additional training for all members will be conducted on an annual basis.

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

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

Bremerton Police Department

Bremerton PD Policy Manual

Conducted Energy Device

Officers who do not carry CEDs 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 CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Operations Lieutenant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient 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 to the head, neck, chest, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Use of Deadly Force and In-Custody Deaths

309.1 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.

309.1.1 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 support staff, including, but not limited to crime scene technicians and analysts. 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:
 - 1. Uses force that results in death, substantial bodily harm, or great bodily harm; or,
 - 2. Uses force that would likely result in death, substantial bodily harm, or great bodily harm; or,
 - 3. 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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

309.2 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 be 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.

309.3 INITIAL ON SCENE DUTIES

309.3.1 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.
- (h) Do not discuss or reveal the details of your involvement, or your factual observations, in accordance with Policy 310.4.1 – COMMUNICATION WITH INVOLVED OFFICERS.

309.3.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

- (c) Before activating the IIT, contact a lieutenant or captain.
- (d) Obtain a briefing from any uninvolved or witness officer(s) who were present.
- (e) Obtain a public safety statement from the involved officers. See Policy 310.3.3 - PUBLIC SAFETY STATEMENT.
- (f) Issue an administrative order not to discuss or reveal the details of the officer's involvement, or factual observations, through conversation or other means, with any other person, except as allowed under policy 310.4.1 - COMMUNICATION WITH INVOLVED OFFICERS. This order should be followed up in writing by a member of the command staff.
- (g) 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.
- (h) Establish an inner and outer perimeter and ensure these perimeters are secured by proper placement of crime scene tape. No one should enter the crime scene other than medical personnel rendering aid or IIT personnel.
- (i) 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.
- (j) 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.
- (k) Identify and separate witnesses, including witness officers.
- (l) Identify any individual(s) with potential gunshot residue and take the appropriate steps to preserve this evidence.
- (m) Ensure that all uninvolved officers, including witness officers, not directly involved in the incident complete their reports.
- (n) Assign an uninvolved officer to each person transported to the hospital.
- (o) Brief IIT personnel once they arrive on scene. The briefing should include any information voluntarily provided by involved officers as part of the Public Safety Statement.

309.3.3 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.

The supervisor will request voluntary answers to the public safety statement questions from involved officers. Involved officers may choose to answer some or all questions voluntarily. If

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

the involved officers decline to provide voluntary answers to any of the public safety statement questions, the supervisor will administratively order involved officers to provide answers to those public safety statement questions. 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 do you think you fired?
- (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? If the answer is "Yes", ask (i) through (v):
 - i. What is their description?
 - ii. What is their direction of travel?
 - iii. How long have they been gone?
 - iv. What crime(s) are they wanted for?
 - v. What weapons are they armed with?
- (g) Is there any evidence that needs to be protected, where is it located?
- (h) Are any other personnel involved?

Supervisors will note whether answers were provided voluntarily or after being ordered. Voluntary answers may be provided to the independent investigation team. Compelled answers will not be provided to the independent investigation team. 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.

309.3.4 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.

309.4 HANDLING INVOLVED OFFICER(S)

As soon as they are no longer needed at the scene, involved officers shall be transported separately to the police station. The involved officer(s) shall remain dressed and equipped as they were during the incident. Once at the police 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,

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

etc.) until IIT investigators can properly collect it. All reasonable accommodations to care for the officer's physical and emotional needs should be taken.

309.4.1 COMMUNICATION WITH INVOLVED OFFICER(S)

Following the public safety statement, each involved officer will be given the following administrative order:

"In order to protect the integrity of this investigation, I am ordering you not discuss or reveal the details of your involvement, or your factual observations, through conversation or other means, with any other person, excepting:

- (a) Investigators assigned to this investigation and,*
- (b) Authorized persons with whom communication is privileged under RCW 5.60.060.*

This order remains in effect until:

- (a) It is rescinded by me or my designee, or*
- (b) The report of the independent investigations team has been submitted to the Prosecuting Attorney's Office for review."*

No involved officers will 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 until such time as the independent investigative team's report has been submitted to the Prosecutor's Office.

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.

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.

309.4.2 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.

309.4.3 COMPANION OFFICER

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) Driving the involved officer to the station.
- (b) Remaining with the involved officer until relieved but should not be present during privileged communications.
- (c) Ensuring the involved officer is isolated from other personnel involved in the incident.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

- (d) Ensuring the involved officer does not discuss the incident.
- (e) Maintaining a log of persons who visit the involved officer.
- (f) Attending to needs of the involved officer.

309.4.4 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.

309.4.5 RELIEF OF DUTY / REASSIGNMENT / ADMINISTRATIVE LEAVE

Any involved officer 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

309.4.6 PEER SUPPORT

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

Communications between the peer support counselor and the involved officer are privileged under Washington State law. There may be circumstances where communications with peer support is not recognized as privileged under Federal law. The peer support counselor 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 support counselor while acting in his or her capacity as a peer support counselor. The privilege does not apply if the peer support counselor 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.

309.5 OFFICER INVOLVED USE OF DEADLY FORCE - CRIMINAL INVESTIGATION

309.5.1 INVESTIGATING AGENCY

The Office of Independent Investigations (OII) may investigate any instance where a law enforcement officer uses deadly force resulting in death, substantial bodily harm, or great bodily harm. Pursuant to RCW 43.102.120, the Department will notify the OII when a qualifying incident occurs. The Department also participates in the Kitsap Critical Incident Response Team (KCIRT), a multi-jurisdictional independent investigation team (IIT) formed to investigate these events. If the OII does not assume jurisdiction, the Chief may select KCIRT, another IIT, or uninvolved law enforcement organization to investigate the incident.

309.5.2 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 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 an attorney collectively or in groups prior to being interviewed or providing a statement to IIT investigators.

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

309.5.3 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.

309.6 AUDIO AND VIDEO RECORDINGS

The Department retains possession and control of the BWC footage related to the use-of-deadly force incident. The Department recognizes there may be an urgent public interest to release the BWC footage. Only the Chief may authorize the release of BWC. Prior to release, the Chief should consult with a representative of the investigative body, the Prosecutor's Office and/or the City Attorney's Office as appropriate.

309.7 POST INCIDENT OFFICER CARE AND RETURN TO DUTY

309.7.1 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 conducted in accordance with 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.

309.7.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

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.

309.8 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.

309.9 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.

309.10 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.

309.11 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.

309.11.1 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.

309.11.2 COMMUNITY REPRESENTATIVE DUTIES

Non-law enforcement community representatives on the IIT will:

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

Bremerton Police Department

Bremerton PD Policy Manual

Use of Deadly Force and In-Custody Deaths

- (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.

Firearms

310.1 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.

310.2 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.

310.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the Department or that has been authorized as a specialty firearm by the Chief of Police or the authorized designee (Washington State Office of the Attorney General Model Use of Force Policy). Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster.

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.

310.3.1 DUTY HANDGUNS

The department-issued duty handgun is the 9mm Smith and Wesson M&P 2.0, 9mm Smith and Wesson Shield Plus, or the 9mm Staccato 2011 platform. These are the designated firearms for all uniformed assignments.

310.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the M&P-15.

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

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 or armory with the chamber empty, magazine loaded and inserted into the magazine well, and the fire selector switch is in the safe position.

310.3.3 AUTHORIZED SECONDARY HANDGUN

The authorized, department-issued, secondary handgun is the Smith and Wesson Shield Plus chambered in 9mm. This is designated for plainclothes assignments.

310.3.4 BACK-UP HANDGUN

Members desiring to carry department or personally owned back-up handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved by the Rangemaster.
- (b) Only one back-up handgun may be carried at a time.
- (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 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 will be approved by the Rangemaster or Operations Captain.
- (g) Prior to carrying the back-up 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.

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

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

310.3.5 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 solely 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 and carried 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 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.
- (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.

310.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. 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 two full reloads for their firearm. Plain clothes officers will carry a minimum of one full reload for their duty firearm on their person.

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

310.4 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.

310.4.1 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 that 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 to personally-owned firearms will generally be authorized:

- (a) Non-factory sights, such as high visibility or night-sights.
- (b) Grips or grip adapters that do not affect the operation of the weapon.
- (c) After-market recoil guide rods and guide rod springs.
- (d) After-market triggers that which comply with factory trigger pull weight specifications.
- (e) Aesthetic modifications, such as slide or frame refinishing, which do not affect the safety or operation of the firearm.

310.4.2 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.

310.4.3 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.

310.4.4 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.

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

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.

310.5 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) 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.
- (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.

310.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be maintained and periodically inspected 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 firearms 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. Rifles shall be unloaded in a safe manner when stored in the Armory.

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

310.5.2 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.

310.5.3 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.

310.5.4 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.

310.6 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.

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

310.6.1 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.

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

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").
- Unintentional discharge.

310.7 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.

310.7.1 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, conducted energy device, 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, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

310.7.2 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.

310.7.3 WARNING SHOTS

An officer shall not use a firearm to fire a warning shot (Washington State Office of the Attorney General Model Use of Force Policy).

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

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

310.9 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

Bremerton Police Department

Bremerton PD Policy Manual

Firearms

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

310.10 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.

Range Facilities

311.1 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.

311.2 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.

311.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Range Facilities

- (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.

311.4 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.

Vehicle Pursuits

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Failing to Yield - An attempt by a uniformed officer in a vehicle equipped with emergency lights and siren to stop a moving vehicle where the operator fails to stop, but does not operate their vehicle in a reckless manner. After being signaled to pull over, the operator generally continues at or below the speed limit, observes the rules of the road critical to public safety and does not change the direction of travel in an evasive manner.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

Vehicle pursuit - An attempt by a uniformed officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer (RCW 10.116.060).

312.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

312.3 ENGAGING IN A PURSUIT

Officers are not authorized to initiate a pursuit unless the following criteria exist (RCW 10.116.060):

- (a) Reasonable suspicion exists to believe that a person has violated the law.
- (b) The pursuit is necessary for the purpose of identifying or apprehending the person.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

- (c) The person poses a threat to the safety of others, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit under the circumstances.

312.3.1 BALANCING FACTORS

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider (RCW 10.116.060):

- (a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.
- (b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
- (c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, and road and weather conditions.
- (d) The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.
- (e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
- (f) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages, minors).
- (g) Whether the pursuing unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
- (h) The availability of other resources such as air support or vehicle locator/deactivation technology.

312.4 PURSUIT UNITS

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit units and the supervisor vehicle). However, an officer or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects.

312.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by law. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

312.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, police department motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

312.4.3 PRIMARY UNIT

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

The primary pursuing officer shall notify a supervisor immediately upon initiating a vehicle pursuit. The officer and the supervisor shall consider alternatives to the vehicle pursuit, as well as the justification for the pursuit, and other safety considerations (RCW 10.116.060).

As soon as practicable, the primary unit shall notify Kitsap 911 of the pursuit, request priority radio traffic, and provide appropriate information including:

- (a) The location, direction of travel, and estimated speed of the pursuit.
- (b) The description of the fleeing vehicle, including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
- (e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- (f) The suspected number of occupants and their identities or descriptions.
- (g) The weather, road, and traffic conditions.
- (h) The need for any additional resources or equipment.
- (i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

The primary unit will immediately terminate the pursuit if it does not meet the guidelines set forth in this policy, or if directed by a supervisor.

312.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

- (a) Notifying Kitsap 911 of their entry into the pursuit.
- (b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

- (c) Identifying the need for and requesting additional resources or equipment as appropriate.
- (d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

312.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

312.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

- (a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- (b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
- (c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the fleeing vehicle.
- (d) Pursuing units should request that Kitsap 911 notify the Washington State Patrol and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

312.5.1 RULES OF THE ROAD

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

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

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

312.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

When necessary, officers not actively involved in the pursuit may utilize an emergency response to block intersections, deploy spike strips or reach the termination point. In deciding whether to respond in an emergent manner, officers should consider the circumstances and conditions presented at the time, including the potential for risk of injury to officers and the public. Officers shall drive with due regard for the safety of all persons and property.

312.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the field supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The field supervisor has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command. The field supervisor will be responsible for (RCW 10.116.060):

- (a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
- (b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
- (c) Confirming that no more pursuing units than required are involved in the pursuit.
- (d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
- (e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.
- (f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
- (g) Verifying that the proper radio channel is being used.
- (h) Confirming the Shift Sergeant has been notified of the pursuit.
- (i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.
- (j) Continuing the management and control of Bremerton Police Department units when a pursuit enters another jurisdiction.

Post incident, the field supervisor will ensure the following whenever the driver of a vehicle fails to stop when directed by law enforcement (Pursuits / Attempts to Elude / Failure to Obey):

- (a) Involved officers' reports are complete.
- (b) Involved officers' MAV and BWCs have been uploaded and properly categorized.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

- (c) Approved data collection form is completed.

312.7 KITSAP 911

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

312.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

312.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Bremerton Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

312.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Participation in another agency's pursuit within City limits requires supervisor approval and is only permitted if the agency specifically requests assistance and the pursuit would be authorized under this policy. Notification of a pursuit in progress should not be construed as a request for Bremerton officers to join the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Bremerton Police Department, the Shift Sergeant or supervisor should review the request as soon as practicable, taking into consideration:

- (a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.
- (b) Whether there is adequate staffing to continue the pursuit.
- (c) The available units' capabilities to maintain the pursuit.
- (d) The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

312.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

As soon as practicable after initiating a pursuit, the primary pursuing officer and supervisor, if available, shall develop a plan for the termination of the pursuit using available intervention options (RCW 10.116.060).

In limited circumstances, intervention tactics may be employed to stop a vehicle failing to yield. The use of intervention tactics to stop a vehicle failing to yield shall only be utilized with supervisor approval and only when the criteria to initiate a pursuit is met.

312.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

- (a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
- (b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
- (c) Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
- (d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

- (e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

In limited circumstances and with supervisory authorization, spike strips may be used on a vehicle failing to yield or to help prevent a stationary vehicle from fleeing when the officer has reasonable suspicion or probable cause to detain an occupant of the vehicle. Officers and supervisors should carefully consider the limitations of such devices as well as the potential risks to officers, the public and vehicle occupants. Only officers who have been trained in the deployment of the spikes are authorized to use them. Deployment of spike strips shall be in accordance with Department training.

312.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper. Supervisor approval is required to utilize a PIT at speeds in excess of 40 mph.

Before conducting a PIT, officers should consider factors such as:

- (a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the officer has received training.
- (b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.
- (c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
- (e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

312.9.3 BOXING-IN

Supervisory approval shall be obtained prior to any attempt to box-in a suspect vehicle. Boxing-in should only be used when the fleeing vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

312.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

312.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

312.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

- (a) A supervisor directs the pursuit to be terminated.
- (b) The location of the fleeing vehicle is no longer known.
- (c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.
- (d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, immediately stop following and as soon as it is reasonable to do so, take the first turn off the suspect's path to get out of the suspect's line of sight. This is to encourage the suspect to slow their escape. The primary unit should communicate the location of pursuit termination to the dispatcher.

312.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

312.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

312.11 DEBRIEFING

Participating officers should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

312.12 REPORTING REQUIREMENTS

The initiating officer will complete an incident report when the driver of a vehicle fails to stop when directed by law enforcement. In the event of a pursuit, all of the involved officers shall complete a report and the initiating officer's report should contain the following information:

- (a) The initial reason for pursuit.
- (b) The conditions of the pursuit, including time of day, weather conditions, traffic.
- (c) The duration and length of the pursuit.
- (d) Speeds.
- (e) The path of the pursuit.
- (f) How the pursuit, or attempt to elude, was terminated.
- (g) Whether the pursuit resulted in a collision.
- (h) Any injuries or property damage.
- (i) Medical treatment.
- (j) The disposition: arrest, citation, etc.

To collect data for purposes of training, policy compliance, resource allocation, and analysis, the Department requires the initiating officer to complete a "Pursuit / Attempt to Elude / Failure to Obey" form in all circumstances where the driver of a vehicle fails to stop when directed by law enforcement. The initiating officer, at the time of the incident, will enter the appropriate data into the form.

312.13 OFFICE OF PROFESSIONAL STANDARDS REVIEW

In consultation with the Support Services Captain, the Office of Professional Standards (OPS) will review all incidents where the driver of a vehicle fails to stop when directed by law enforcement (Pursuits / Attempts to Elude / Failure to Obey). The review will examine whether the officers' actions were in compliance with the law, training and Department policy. If the officers' actions are determined to be out of compliance, the findings will be forwarded to the Support Services Captain and presented to the Chief of Police. The Chief of Police may do the following:

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Pursuits

- (a) Determine the officer(s) acted in accordance with the law, training and Department policy.
- (b) Require corrective action and/or additional training.
- (c) Initiate a criminal or internal investigation.
- (d) Initiate an outside investigation or review of the incident.

OPS shall maintain a file of all incidents where the driver of a vehicle fails to stop when directed by law enforcement (Pursuits / Attempts to Elude / Failure to Obey).

312.14 SUPPORT SERVICES CAPTAIN RESPONSIBILITIES

The Support Services Captain will manage the OPS reviews of all incidents where the driver of a vehicle fails to stop when directed by law enforcement (Pursuits / Attempts to Elude / Failure to Obey). The Support Services Captain will:

- (a) Maintain regular communication with OPS.
- (b) Review all OPS investigations for completeness.
- (c) Present out-of-compliance findings to the Chief of Police.

The Support Services Captain, in conjunction with the command staff, will conduct an annual review and analysis of these incidents, with a summary report of the findings forwarded to the Chief of Police.

312.15 PURSUIT TRAINING

The Operations Lieutenant should ensure that members of this department receive initial and annual training on vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, dispatchers).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

312.15.1 STATE-SPECIFIC TRAINING REQUIREMENTS

All officers engaging in vehicle pursuits shall have completed an emergency vehicle operator course, shall have completed refresher training in emergency vehicle operation within the two years prior to the pursuit, and shall be certified in at least one pursuit intervention option (RCW 10.116.060).

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 46.61.035; 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 engaged in or assisting with a 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.

Bremerton Police Department

Bremerton PD Policy Manual

Officer Response to Calls

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.

Bremerton Police Department

Bremerton PD Policy Manual

Officer Response to Calls

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.

Upon determining that an emergency response is appropriate, whenever practicable, an officer should 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.

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 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.

315.7 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.

315.8 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Shift Sergeant or the field supervisor shall verify that:

- (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 field 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.

Bremerton Police Department

Bremerton PD Policy Manual

Officer Response to Calls

When making the decision to authorize an emergency response, the Shift Sergeant or 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.

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.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Canines

- (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 be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

Bremerton Police Department

Bremerton PD Policy Manual

Canines

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Canines

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 report. A use of force report must also be completed. 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.

Bremerton Police Department

Bremerton PD Policy Manual

Canines

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) Apprehension K9 handlers must reside within 30 minutes travel time from the Bremerton City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

Bremerton Police Department

Bremerton PD Policy Manual

Canines

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.

Bremerton Police Department

Bremerton PD Policy Manual

Canines

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

Bremerton Police Department

Bremerton PD Policy Manual

Canines

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(g); RCW 69.50.302; RCW 69.50.508; WAC 246-945-060).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Canines

- (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).

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, coercive control, unlawful harassment, or stalking of one intimate partner by another intimate partner or of one family or household member by another family or household member (RCW 10.99.020; RCW 7.105.010).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence

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.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence

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 the victim has sustained injury or complains of pain.
- (f) Ask the victim whether the victim has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a safety concern 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 (RCW 10.99.040).

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 the notice or receipt of the order, knowledge of its terms, and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence

- (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, an arrest shall be made pursuant to the criteria in RCW 10.31.100 (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 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).

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence

319.10 ENTRY OF COURT ORDERS

The Records Supervisor shall ensure that 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 an intent to 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.

319.11.1 ELECTRONIC SERVICE OF COURT ORDERS

When an officer petitions the court ex parte for an emergency protection order on behalf of the victim and the court does not include an order to surrender and prohibit weapons or an extreme risk protection order, or has verified that all firearms, dangerous weapons, and any concealed pistol license have been temporarily removed by law enforcement, service of the order on the respondent may be made electronically pursuant to the requirements of RCW 10.99.040.

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 with 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 an agency with authority to revoke the license has been notified.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence

- (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.

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 in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

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

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

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

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

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

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

Bremerton Police Department

Bremerton PD Policy Manual

Search and Seizure

and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device, or cell site simulator device when an emergency situation 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 should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 - 1. Another officer or a supervisor should witness the search.
 - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.
- (f) When safe and practical to do so, an officer will utilize their body worn camera to count money discovered during the search of an individual. The amount and chain of custody will be documented in their report.

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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Search and Seizure

- (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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Search and Seizure

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.

Bremerton Police Department

Bremerton PD Policy Manual

Search and Seizure

- (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.

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.

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.

All interviews with juveniles will be conducted in accordance with the Temporary Custody of Juveniles Policy, Interviewing or Interrogating Juvenile Suspects and RCW 13.40.740.

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:
 - 1. a person under the age of twenty-one years of age is in possession and/or has consumed an alcoholic beverage,

Bremerton Police Department

Bremerton PD Policy Manual

Juvenile Operations

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

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.
- (h) Is a material witness.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

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.
- (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).

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

- (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. A juvenile offender may be handcuffed at the Bremerton Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed. 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

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.

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.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (RCW 13.40.740):

- (a) There is a belief that the juvenile is a victim of trafficking as defined by RCW 9A.40.100.
- (b) Information is necessary to protect an individual's life from an imminent threat.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Juveniles

- (c) A delay to allow legal consultation would impede the protection of an individual's life from imminent threat.
- (d) The questions are limited to what is reasonably expected to obtain the information necessary to protect an individual's life from an imminent threat.

After a consultation, any assertion of constitutional rights by the juvenile through legal counsel must be treated as though it came from the juvenile. The waiver of any constitutional rights of the juvenile may only be made according to the requirements of RCW 13.40.140 (judicial rights) (RCW 13.40.740).

323.13.1 RECORDING OF INTERVIEWS OR INTERROGATIONS

Interrogations or interviews of juvenile suspects shall be recorded when conducted at a place of detention (RCW 10.122.020; RCW 10.122.030). See the Investigation and Prosecution Policy for specific recording requirements.

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).

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 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, the following definitions apply (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 intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation, or punishment.
- A vulnerable adult is a person who meets any of the following criteria:
 - (a) Is 60 years or older and who has the functional, mental, or physical inability to care for oneself.
 - (b) Is found by the superior court to be incapacitated under RCW 11.130.005 et seq.

Bremerton Police Department

Bremerton PD Policy Manual

Adult Abuse

- (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 (e.g., assisted living facility, nursing home, 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 self-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.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

Bremerton Police Department

Bremerton PD Policy Manual

Adult Abuse

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 oneself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from the abuse victim's 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 the abuse victim's family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the

Bremerton Police Department

Bremerton PD Policy Manual

Adult Abuse

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.

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.

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, the supervisor should

Bremerton Police Department

Bremerton PD Policy Manual

Adult Abuse

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:

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, the officer has the authority to arrest the person without a warrant (RCW 10.31.100).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Adult Abuse

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).

325.10.4 PROTECTIVE ORDERS

In any situation which an officer reasonably believes that a vulnerable adult has been abused, abandoned, or subjected to financial exploitation or neglect, or threatened with such actions, the officer should obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110 or RCW 7.105.100.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Discriminatory Harassment

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

Bremerton Police Department

Bremerton PD Policy Manual

Discriminatory Harassment

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

Bremerton Police Department

Bremerton PD Policy Manual

Discriminatory Harassment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Discriminatory Harassment

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. 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.

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, female genital mutilation, and human trafficking; injury inflicted by any person under circumstances that cause harm to the child's health, welfare, or safety, excluding lawful discipline; and 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.

Bremerton Police Department

Bremerton PD Policy Manual

Child Abuse

- (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).

329.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

Bremerton Police Department

Bremerton PD Policy Manual

Child Abuse

- (c) Any relevant statements the child may have made and to whom the child made the statements.
- (d) If a child was taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.185).

The General Investigations Unit shall respond to all cases involving the unexplained death of a child. Unexplained death of a child cases should be investigated as thoroughly as if it had been a case of suspected child abuse.

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 the child's 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.

Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a high-potency synthetic opioid (e.g., fentanyl), or a pattern of severe neglect, and that the child would be

Bremerton Police Department

Bremerton PD Policy Manual

Child Abuse

seriously 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).

329.7 INTERVIEWS

329.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Child victims should be forensically interviewed by established protocols. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Child Abuse

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:

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. Members receiving records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

Bremerton Police Department

Bremerton PD Policy Manual

Child Abuse

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 26.44.185).

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 CPS poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

329.10.8 CHILD FATALITY INVESTIGATIONS

The Department should cooperate with any local health department child fatality investigation (RCW 70.05.170).

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 - 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. Out of the zone of safety for their chronological age and developmental stage
 - 2. Mentally or behaviorally disabled
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 - 5. In a life-threatening situation
 - 6. In the company of others who could endanger their welfare
 - 7. 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.
 - 8. 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), the National Missing and Unidentified Persons System (NamUs), 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 property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

Bremerton Police Department

Bremerton PD Policy Manual

Missing Persons

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 "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:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:

Bremerton Police Department

Bremerton PD Policy Manual

Missing Persons

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 their 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.
 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.

Bremerton Police Department

Bremerton PD Policy Manual

Missing Persons

- (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 party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Missing Persons

- (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 Medical Examiner.
- (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) 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).

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,

Bremerton Police Department

Bremerton PD Policy Manual

Missing Persons

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

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Missing Persons

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.

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 supervisors, 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.

Bremerton Police Department

Bremerton PD Policy Manual

Public Alerts

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 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 an abandoned 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:

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the Washington State Patrol (WSP) Communication Center for entry into the Law Enforcement Alerting Portal (LEAP).
- (d) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases.
- (e) Promptly notify the Chief of Police and the appropriate Division Captain of any AMBER Alert activation.

Bremerton Police Department

Bremerton PD Policy Manual

Public Alerts

- (f) 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, and potential destinations, if known.
 - 3. Name and telephone number of the Public Information Officer (PIO) 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.

333.5 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 Bremerton 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 (RCW 13.60.010):

- (a) Silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.
- (b) Missing indigenous person alert" when initiated to assist in the recovery of a missing endangered indigenous person.

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. An indigenous missing person is presumed to be endangered regardless of the circumstances.
- (b) The person is indigenous, has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency

Bremerton Police Department

Bremerton PD Policy Manual

Public Alerts

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Public Alerts

- (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 PIO to issue press releases and handle media inquiries.
 - 1. The PIO 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) Notify 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 HIT-AND-RUN ALERTS

The Hit-and-Run Alert system is a program of cooperation among state, local, and tribal law enforcement agencies and WSDOT to enhance the ability to identify and recover a fleeing vehicle involved in a serious injury or fatality hit-and-run collision.

333.7.1 CRITERIA

All of the following criteria must exist prior to initiating a Hit-and-Run Alert:

- (a) A hit-and-run collision resulting in serious injury or death occurred (RCW 46.52.020).
- (b) Enough descriptive information is available to assist in locating the suspect vehicle, such as a full or partial license plate, a description of the vehicle and any possible damage to it, location, or direction of travel when last seen.
- (c) The incident has been reported and is being investigated by a law enforcement agency.

333.7.2 PROCEDURE

Should the Shift Sergeant or supervisor determine that the incident meets the criteria of a Hit-and-Run Alert, the Shift Sergeant or supervisor should:

Bremerton Police Department

Bremerton PD Policy Manual

Public Alerts

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure the appropriate form is completed.
- (c) Email the form to the WSP Hit-and-Run Alert Activation Team and immediately call the Team to discuss the activation.
- (d) Notify Kitsap 911 of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (e) Appoint a PIO to handle media inquiries.

The Records Unit personnel should promptly cancel the alert when no longer needed by sending an email to the WSP Hit-and-Run Alert Activation Team.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Victim Witness Assistance

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.

Bremerton Police Department

Bremerton PD Policy Manual

Victim Witness Assistance

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).

Hate Crimes

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

337.2 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

337.3 POLICY

The Bremerton Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

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 PREVENTION AND PREPARATION

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, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

337.6 INVESTIGATIONS

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) Assigned officers should 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.

Bremerton Police Department

Bremerton PD Policy Manual

Hate Crimes

- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Anti-Harassment Protective Order (AHPO)) through the courts or prosecutor's office.

337.6.1 GENERAL INVESTIGATIONS UNIT RESPONSIBILITY

If a hate crime case is assigned to the General Investigations Unit, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the City Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes required by state law, and reporting 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 should receive training on hate crime recognition and investigation.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Standards of Conduct

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.

Bremerton Police Department

Bremerton PD Policy Manual

Standards of Conduct

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.

Bremerton Police Department

Bremerton PD Policy Manual

Standards of Conduct

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:

Bremerton Police Department

Bremerton PD Policy Manual

Standards of Conduct

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Standards of Conduct

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 are 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

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), 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 and firmware. 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 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

Bremerton Police Department

Bremerton PD Policy Manual

Information Technology Use

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Information Technology Use

341.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

341.5 PROTECTION OF 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. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

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.

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, EIS and

Bremerton Police Department

Bremerton PD Policy Manual

Information Technology Use

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Criminal Investigations

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Criminal Investigations

- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Report Preparation

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 § 359 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.

Bremerton Police Department

Bremerton PD Policy Manual

Report Preparation

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

Bremerton Police Department

Bremerton PD Policy Manual

Report Preparation

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 RMS ENTRY

Employees will enter the data in the appropriate RMS module. The entry of the data will be in accordance with the RMS 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 the RMS system. If it exists but something has changed, update the historical data (i.e. locations, addresses, telephone numbers, etc.).

343.3.2 USE OF OTHER FORMS

If entry into the RMS system 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.

Bremerton Police Department

Bremerton PD Policy Manual

Report Preparation

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 the RMS system, 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.

Bremerton Police Department

Bremerton PD Policy Manual

Report Preparation

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 the driver is arrested for Attempting to Elude, DUI, a Bremerton Municipal Court warrant and a

Bremerton Police Department

Bremerton PD Policy Manual

Report Preparation

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) Other cases as directed by a supervisor.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Police Communications

- (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.

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 criminal investigation must be cleared through the Chief of Police or designee. It

Bremerton Police Department

Bremerton PD Policy Manual

Media Relations

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 as determined by the supervisor in charge. Department members shall not jeopardize a tactical

Bremerton Police Department

Bremerton PD Policy Manual

Media Relations

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.).

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

Bremerton Police Department

Bremerton PD Policy Manual

Media Relations

Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

345.4.2 EMPLOYEE ADDRESSES 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.

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.

347.3 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.

347.3.1 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.

347.4 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.

Bremerton Police Department

Bremerton PD Policy Manual

Subpoenas and Court Appearances

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.

347.4.1 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.

347.4.2 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.

347.4.3 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.

347.5 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.

Bremerton Police Department

Bremerton PD Policy Manual

Subpoenas and Court Appearances

347.6 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.

347.6.1 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.

347.7 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.

347.7.1 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.

347.8 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.

347.9 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.

Bremerton Police Department

Bremerton PD Policy Manual

Subpoenas and Court Appearances

- (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.

Outside Agency Assistance

351.1 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.

351.1.1 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 where 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.

351.2 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

Bremerton Police Department

Bremerton PD Policy Manual

Outside Agency Assistance

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.

351.3 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.

351.4 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 agreement which addresses operational objectives, control, participation levels, participation qualifications, and personnel policies of all agencies involved.

Bremerton Police Department

Bremerton PD Policy Manual

Outside Agency Assistance

351.5 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.

351.6 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.

351.6.1 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.

351.7 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.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

Bremerton Police Department

Bremerton PD Policy Manual

Outside Agency Assistance

351.8 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities shall be documented in a report or as directed by the Shift Sergeant.

351.9 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.

Registered Offender Information

355.1 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.

355.2 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.

355.3 REGISTRATION

Sex offenders seeking to register should be directed to the Kitsap County Sheriff's Office.

355.4 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.

355.5 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Registered Offender Information

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.

355.5.1 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.

355.5.2 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)).

355.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.

Bremerton Police Department

Bremerton PD Policy Manual

Registered Offender Information

- (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.

355.5.4 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

355.6 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.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.

Bremerton Police Department

Bremerton PD Policy Manual

Registered Offender Information

- 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.

Major Incident Notification

357.1 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.

357.2 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.

357.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Major Incident Notification

- 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.

357.4 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.

357.4.1 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.

357.4.2 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.

357.4.3 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.

357.4.4 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.

Civil Disturbances

358.1 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.

358.2 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.

358.3 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

Bremerton Police Department

Bremerton PD Policy Manual

Civil Disturbances

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.

358.4 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.

358.5 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.

358.6 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

Bremerton Police Department

Bremerton PD Policy Manual

Civil Disturbances

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.

358.6.1 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.

358.7 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.
 - 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.

Bremerton Police Department

Bremerton PD Policy Manual

Civil Disturbances

(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.

(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

Bremerton Police Department

Bremerton PD Policy Manual

Civil Disturbances

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.

358.8 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.

Death Investigation

359.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

359.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the General Investigations Division Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

359.2.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a Medical Examiner's autopsy or postmortem or Medical Examiner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation, or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a 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.

Bremerton Police Department

Bremerton PD Policy Manual

Death Investigation

- (m) Where death occurs in a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner (RCW 68.50.050).

359.2.2 INDIGENOUS PERSONS

Upon knowledge that the remains are of an indigenous person, the Medical Examiner, in cooperation with law enforcement, shall attempt to identify and contact, as soon as practicable, family members and any affected tribes, tribal organizations, and communities prior to removal or disturbance of the remains, except where deemed necessary by the Medical Examiner and officers in the interest of safety or to preserve evidence for any ongoing criminal investigation. Efforts shall include attempts to facilitate contact through the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874 within 10 days of the Medical Examiner having jurisdiction over the remains (RCW 68.50.325).

The lead investigator in cooperation with the Medical Examiner shall provide the family member or representative of a list that contains any prohibited conduct when interacting with the remains including an explanation of why the conduct is prohibited. Additionally, any practices or ceremonies related to the remains by the family or representative require proper authorization by the Medical Examiner and the lead investigator while the remains are under the jurisdiction of the Medical Examiner (RCW 68.50.325).

359.2.3 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Washington Division of Occupational Safety and Health (DOSH) office is notified of all pertinent information.

359.3 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.

359.4 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

Bremerton Police Department

Bremerton PD Policy Manual

Death Investigation

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.

359.4.1 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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Death Investigation

- (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.)
- (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 § 357 - 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.

359.4.2 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.

359.4.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Death Investigation

- (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.

359.4.4 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.

359.5 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.

359.6 POLICY

It is the policy of the Bremerton Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

359.7 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

359.8 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to

Bremerton Police Department

Bremerton PD Policy Manual

Death Investigation

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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Identity Theft

361.1 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.

361.2 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.

361.2.1 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.

361.2.2 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.

ADA Compliance

362.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Bremerton Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

362.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include qualified interpreters provided either on-site or through video remote interpreting ("VRI") services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones ("TTYs"), videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who have a hearing, vision, or speech disability.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Effective Communication – Means communication with individuals who have a hearing, vision, or speech disability that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of a public entity.

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who, via a VRI service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, given the deaf or hard of hearing individual's language, skills, and education. Qualified Interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Speech Disability – A speech disability is a physical condition that substantially limits a person's ability to speak, including speech impediments as well as mental health conditions such as anxiety. This includes someone who is unable to speak, has difficulty speaking, uses ASL in whole or in part, or has any type of difficulty whatsoever with speech

NOTE - If a subject, or member of the public, self-identifies and declares they have a speech disability, officers shall accept this without question and follow the handcuffing requirements provided in this policy.

362.2 POLICY

It is the policy of the Bremerton Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

362.3 ADA COORDINATOR RESPONSIBILITIES

The Bremerton Police Department has designated the Support Services Captain, or their designee, to be the Department's ADA Coordinator. The ADA coordinator will report directly to the Chief and shall have sufficient authority, training, and resources to perform the tasks set forth in this policy, including investigating complaints and coordinating requests for Auxiliary Aids and Services and other accommodations for persons with disabilities.

The ADA Coordinator shall have experience, knowledge, and/or training relating to the legal rights of persons with disabilities, including but not limited to the obligations of public entities under federal and state laws covering individuals who have a hearing, vision, or speech disability.

The name, office address, and telephone number of the ADA Coordinator shall be:

- (a) Conspicuously posted in all department areas open to the public.
- (b) Listed in a readily accessible location on the department's website.
- (c) Made available upon request.

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

362.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the Department's ADA coordinator for processing as soon as reasonably practicable. Depending on the nature of the request, the Department's ADA coordinator may be required to work collaboratively with the City's ADA Coordinator.

362.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless the Chief determines that complying with the request would result in the following (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity as required by 28 CFR 35.150(a)(3).
 - 2. An undue financial or administrative burden on the Department as required by 28 CFR 35.150(a)(3). All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 - 3. A threat to or the destruction of the historic significance of a historic property.
 - 4. A direct threat to the health or safety of others. The determination should include factors for determining that the direct threat exists: agency must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. see 28 CFR 35.139(b).
- (b) If any of these circumstances are present, the Department's ADA coordinator, and if appropriate the City's ADA coordinator, should work with the person requesting the modification to determine if an alternative modification is available.
- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the Department's ADA coordinator in conjunction with the City's ADA coordinator should determine whether alternative

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

362.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

362.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

362.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to all members of our community. Effective communication with a person who is deaf or hard of hearing involved in an incident - whether as a victim, witness, suspect, or arrestee - is essential in ascertaining what occurred, the urgency of the matter, and type of situation. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including people who are deaf or hard of hearing.

362.5.1 TYPES OF ASSISTANCE AVAILABLE

Various types of communication aids known as "auxiliary aids and services" are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

362.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

362.5.3 QUALIFIED INTERPRETERS

The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication. A qualified interpreter is presumed necessary for effective communication whenever officers (a) conduct a criminal investigation involving the interviewing of a person who is deaf, whether as a victim, witness, or suspect; or (b) arrest a person who is deaf. In either circumstance, the involved officers will, at the earliest possible time, use a qualified interpreter for any notification of rights, warning, interrogation, interview, or taking of a statement unless the person states that he or she would prefer another method of communication and that preference is documented in writing either by the individual or by an officer.

Officers will not require any individual with a hearing, vision, or speech disability to rely on another member of the public to interpret for them. Officers will only rely on an adult accompanying an individual with a hearing, vision, or speech disability to interpret or facilitate communication in the following circumstances:

- (a) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.
- (b) Where the individual who has a hearing, vision, or speech disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees, and reliance on that adult for assistance is appropriate under the circumstances.

Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

362.5.4 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

Members will not rely on a minor child to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where no interpreter is available.

362.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

362.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances. The interpreter shall be present for any *Miranda* warnings, statements, or interrogations (RCW 2.42.120).

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.

362.7.1 HANDCUFFING

Officers will handcuff an individual who has a hearing, vision, or speech disability in the front of his or her body unless, considering the totality of the circumstances, the officer can reasonably explain why handcuffing that person in the front would present an immediate safety risk. Instances where an individual who has a hearing, vision, or speech disability is handcuffed behind their body shall be logged, along with a description of the safety justification for doing so, the names of the individual who has a hearing, vision, or speech disability and the officers involved, the date and time of the occurrence, and the case number.

362.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

362.9 DOCUMENTATION

Whenever an officer encounters a person who is deaf or hard of hearing, they will utilize the Field Assessment Form to document the following:

- (a) The preferred type of auxiliary aid or service.
- (b) The type of assistive aid or service provided.
- (c) Whether the individual elected to use an assistive aid or service provided by the Department or another identified source, as applicable.
- (d) Whether the individual's express preference for the assistive aid or service was not honored and the reason why an alternative method was used.

The Field Assessment Form will be routed to the Department's ADA coordinator and any other documentation, written communications and associated reports should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

362.10 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. Complaints may be filed on-line, in person, in writing or by any other means. The Department shall not discriminate, retaliate against or coerce in any way, any person who made, or is making, a complaint according to the provisions of this policy or exercised, or is exercising, his or her rights under this policy or the ADA.

Any employee receiving a complaint shall immediately notify the ADA Coordinator. Upon receiving a complaint, the ADA Coordinator's responsibilities include:

- (a) Promptly investigating the complaint, and/or any process initiated under the complaint procedures alleging conduct prohibited by this policy or Title II of the ADA.
- (b) Authority to make a final determination regarding actions and responses to grievances concerning disability-related issues, subject to the approval of the Chief of Police.

362.11 TRAINING

To ensure that all Department employees are properly trained to interact with persons with disabilities, all department employees will receive training that, at a minimum, includes the following:

- (a) Awareness and understanding of this policy and review of related forms and available resources.
- (b) Procedures for accessing a qualified interpreter and other necessary resources.
- (c) Working with in-person and telephone interpreters and related equipment.
- (d) The process of documenting all interactions with members of the deaf and hard of hearing community.

Bremerton Police Department

Bremerton PD Policy Manual

ADA Compliance

The training coordinator will be responsible for ensuring new members of the department receive training related to interacting with individuals who have disabilities, including individuals who are deaf or hard of hearing, who have impaired speech or vision, or are blind.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Chaplains

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.

Bremerton Police Department

Bremerton PD Policy Manual

Chaplains

- (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 may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

Bremerton Police Department

Bremerton PD Policy Manual

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 ceremonies.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Chaplains

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.

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.
- (d) To assist in identifying, apprehending and prosecuting offenders.

Bremerton Police Department

Bremerton PD Policy Manual

Public Safety Video Surveillance System

- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Public Safety Video Surveillance System

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 should conduct an annual review of the public safety video surveillance system. The review should include a summary of 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 should 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Child and Dependent Adult Safety

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.

Bremerton Police Department

Bremerton PD Policy Manual

Child and Dependent Adult Safety

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Behavioral Health Navigator

382.1 PURPOSE AND SCOPE

The Bremerton Police Department Behavioral Health Navigator connects individuals with behavioral health needs to available services and resources. The Navigator may accompany first responders to calls involving behavioral health issues when they occur and/or provide outreach to individuals after contact with first responder services. Navigators perform outreach to individuals who are at risk of entering or who have entered the criminal justice system. Navigators share information with first responders that may assist them in the field.

Navigators will not provide assessments, case management, or clinical services. Nothing in this program description and/or policies are to supersede officer safety tactics, the policies of the Bremerton Department and its regional partners, or legal boundaries.

382.2 GOALS

The goals of the Behavioral Health Navigator are to:

- Connect individuals with behavioral health issues experiencing crisis or at risk of crisis to social services and treatment.
- Connect individuals with behavioral health issues who are at risk of arrest or who have been arrested to social services and treatment.
- Reduce first responder time spent with behavioral health-related calls.
- Provide prosecutors with resource information relevant to diversion agreements.
- Improve behavioral health services by identifying treatment gaps in the county and promoting new approaches.

Behavioral health disorders take many forms. Specific challenges are not necessarily isolated from each other and often present themselves as co-occurring issues.

382.3 DEFINITIONS

For the purposes of this policy:

Behavioral Health: includes mental health, substance abuse disorders and conditions, and benefits related to treatment. (WAC 182-538C-050)

Behavioral Health Crisis: an actual or perceived urgent or emergent situation that occurs when:

- (a) an individual's stability or functioning is disrupted; and
- (b) there is an immediate need to resolve the situation to prevent:
 - (a) a serious deterioration in the individual's mental or physical health; or
 - (b) the need for referral to a significantly higher level of care.

Behavioral Health Issues: (BHI) refers to behavior that suggests sensory, mental, or physical impairment as a result of mental illness and/or co-occurring issues.

Bremerton Police Department

Bremerton PD Policy Manual

Behavioral Health Navigator

Crisis Intervention Officer: (CIOs) are officers and deputies in Kitsap County who are designated by their agency in accordance with state law and department policies as being certified CIOs.

Mental Health Professional: (MHP) (as defined by WAC 182-538A-050) means a psychiatrist, psychologist, psychiatric nurse, social worker, or other mental health professionals.

Behavioral Health Navigator: an individual with professional experience working with people with BHI who assists first responders by connecting people to behavioral health resources and other services. Navigators also work with family members of people with BHI, caregivers, service providers, prosecutors, defense attorneys, and court personnel to share resource information and promote access to care. Navigators do not perform mental health treatment services, are not medical providers, and do not perform assessments or provide clinical services.

Navigator Team: consists of the Community Health Navigator, participating Crisis Intervention Officers, and other participating first responder organizations.

382.4 REFERRALS TO BEHAVIORAL HEALTH NAVIGATOR

First responders are encouraged to refer individuals directly to the Navigator, both to connect them to services and share information that may improve access to care.

Navigators should generally follow up on referrals within 48 business hours of receipt of the referral. It is preferable that referrals to the Navigator be submitted via the records management system. First responders may also request assistance from the Navigator in person, by phone, by radio, or via email.

382.5 REPORTING

Navigators will document all their outreach, follow-up, and other contacts as supplemental reports in the records management system. The supplemental reports will correspond with the original report that generated the referral. Referrals from outside first responder agencies will generate an original report.

Navigators will not record or retain health care information from health care providers or from third-party sources (ie. family).

Navigators will notify the WA State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation, and/or neglect of a vulnerable adult is occurring, or has occurred. Navigators will also communicate the reported situation to the on-duty patrol supervisor.

Navigators will notify the WA State Department of Children, Youth and Families, Child Protective Services (CPS) when there is reasonable cause to believe that abuse or neglect of a child is occurring, or has occurred. Police Navigators will also communicate the reported situation to the on-duty patrol supervisor.

Navigators will be required to fully cooperate with law enforcement agency personnel and prosecutors in the event the Navigator is a witness or obtains information necessary for the

Bremerton Police Department

Bremerton PD Policy Manual

Behavioral Health Navigator

identification, apprehension, and prosecution of any person involved in a crime while providing services pursuant to this policy.

382.6 COMMUNICATION AND INFORMATION SHARING

Navigators will have access to police records only within CJIS secured locations while working within program police agencies. Navigators will only access those records which are directly relevant to their work, will not access such records from non-CJIS secured locations, and are prohibited from removing such records from their secured locations.

382.7 OUTREACH

Navigators may respond to dispatched calls with first responders, accept referrals for outreach from partnered first responder agencies and/or the prosecutor.

In their effort to connect individuals to services and support continuity of care, Navigators may meet with inmates at the Kitsap County Jail. Navigators will advise the Lieutenant on duty at the Kitsap County Jail prior to any visit with an inmate. All Navigators will receive jail security training and all visits will follow jail protocol. Meeting locations will be determined by corrections officers.

No outreach will be done in private homes or remote locations without a law enforcement officer present.

Navigators may work in partnership with other agencies and service providers if approved by the on-duty supervisor.

382.8 UNIFORM STANDARDS

Navigators shall be readily identifiable as a non-commissioned member (uniform jacket, department identification and ballistic vest) anytime they are with a first responder, making contacts in the field, or at any other time the Navigator and/or first responder determine that a significant safety concern exists.

It is also understood that certain contacts made by the Navigators may be more effective when they are not readily identifiable as a service provider. In these cases, Navigators are permitted to use discretion on their appearance after a consultation to assess the potential for danger has occurred with a law enforcement officer.

382.9 PUBLIC RECORDS AND RECORDS RETENTION

Records maintained by the Behavioral Health Navigator are subject to the Washington State Public Records Act (Chapter 42.56 RCW) and Washington State record retention laws. Records will be maintained, prepared, and released in accordance with Washington State law, along with City of Bremerton and the Bremerton Police Department policies and procedures. Records requests for the Behavioral Health Navigator records shall be directed to the City of Bremerton Public Records Officer.

Service Animals

383.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

383.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

All references to "service animals" in this policy also mean a dog or miniature horse undergoing training to become a service animal (RCW 49.60.040).

383.2 POLICY

It is the policy of the Bremerton Police Department to provide services and access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

383.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

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 (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- 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.

Bremerton Police Department

Bremerton PD Policy Manual

Service Animals

- 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.

383.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- 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 individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

383.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

383.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler 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 service animal (28 CFR 35.136 (b); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

Bremerton Police Department

Bremerton PD Policy Manual

Service Animals

383.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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 handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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 (DOJ).

Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel.

384.1.1 DEFINITIONS

Volunteer: An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered.

384.2 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.

384.2.1 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.

384.2.2 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:

Bremerton Police Department

Bremerton PD Policy Manual

Volunteer Program

- (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.

384.2.3 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.

384.3 VOLUNTEER MANAGEMENT

384.3.1 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.

384.3.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Volunteer Program

- (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.

384.3.3 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.

384.3.4 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.

384.3.5 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.

384.3.6 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

Bremerton Police Department

Bremerton PD Policy Manual

Volunteer Program

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.

384.3.7 ON-DUTY INJURIES

Volunteers who sustain injuries while on-duty will report the circumstance immediately to a supervisor.

384.4 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.

384.5 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.

384.6 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.

384.6.1 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:

Bremerton Police Department

Bremerton PD Policy Manual

Volunteer Program

- (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.

384.6.2 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.

384.7 CONDUCT / TERMINATION

384.7.1 CONDUCT

All volunteers shall comply with the Code of Conduct and with all orders and directives, either oral or written, issued by the Department.

384.7.2 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.

384.7.3 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.

Off-Duty Law Enforcement Actions

385.1 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.

385.2 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 officer of this department who becomes aware of an incident or circumstance that the officer reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat (see the Use of Force Policy).

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.

385.3 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 badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any 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.

385.4 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.
- (c) The lack of equipment, such as handcuffs, OC or baton.

Bremerton Police Department

Bremerton PD Policy Manual

Off-Duty Law Enforcement Actions

- (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.

385.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Bremerton Police Department officer until acknowledged. Official identification should also be displayed.

385.4.2 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.

385.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

385.4.4 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.

385.5 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.

Native American Graves Protection and Repatriation

386.1 PURPOSE AND SCOPE

This policy is intended to 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.).

386.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

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.

386.2 POLICY

It is the policy of the Bremerton Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

Bremerton Police Department

Bremerton PD Policy Manual

Native American Graves Protection and Repatriation

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.

386.3 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, unassociated 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 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- 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

386.4 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 10.7).

Extreme Risk Protection Orders

387.1 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.

387.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order – An order prohibiting a named person from having custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive 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.

387.2 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.

387.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a minor (person under the age of 18), is a significant danger to themselves or another person by having in their custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm may request permission from the officer's supervisor to petition the court for an extreme risk protection order (RCW 7.105.100).

387.3.1 NOTICE TO PERSONS AT RISK

When a member petitions for an extreme risk protection order, the member shall make a good-faith effort to provide notice to an intimate partner or family or household member of the person and to any known 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 7.105.110).

387.3.2 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).

Officers petitioning the court shall use any standard petition, order, and confidential party information forms created by the administrative office of the courts (RCW 7.105.105).

The petition shall (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110):

Bremerton Police Department

Bremerton PD Policy Manual

Extreme Risk Protection Orders

- (a) Allege that the person poses a significant danger of causing personal injury to the person or others by having in the person's control or custody, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm and be accompanied by the confidential party form and declaration signed under penalty of perjury that provides the specific statements and circumstances for which relief is sought.
- (b) Identify the number, types, and locations of any firearms that the [officer_deputy] 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 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 the person or others in the near future by having in the person's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive a firearm. If necessary, the ex parte order may be obtained from an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.105.110).

387.4 SERVICE OF ORDERS

Service of orders should be made in accordance with the agency protocols.

Personal service of orders shall include copies of all forms with the exception of the confidential party information form completed by the protected party and the proof of service form (RCW 7.105.155).

Service of orders should take precedence over the service of other orders, except for orders of a similar emergency nature (RCW 7.105.155).

387.4.1 PERSONAL SERVICE REQUIREMENTS

When personally serving an order, including an ex parte order, the first attempt to serve an extreme risk protection order should be made within 24 hours after receipt from the court unless an emergency situation renders the service infeasible. If an emergency situation prevents a first attempt at service within 24 hours, service shall be attempted as soon as possible. If the first attempt is unsuccessful, at least two additional attempts should be made. If the order is issued against a minor under the age of 18, officers shall 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. A minor shall not be served at the minor's

Bremerton Police Department

Bremerton PD Policy Manual

Extreme Risk Protection Orders

school unless no other address for service is known. All attempts at service must be documented on a proof of service form and submitted to the court in a timely matter (RCW 7.105.150; RCW 7.105.155; RCW 7.105.330(5)).

If personal service is not completed within 10 days, the officer should notify the petitioner, attempt to gain new information sufficient to permit service, and continue to attempt service unless otherwise notified by the court. If the petitioner is unable to provide a service address or there is evidence that the person is evading service, the officer shall use law enforcement databases to assist in locating the person. If service is not successful, all service attempts shall be documented on the proper form and submitted to the Records Supervisor for filing with the court (RCW 7.105.155).

If the protected person is present when service is attempted, the officer should take reasonable steps to separate the protected person before completing service or inquiring about any firearms (RCW 7.105.155).

387.4.2 SAFETY CONSIDERATIONS

Upon receipt of extreme risk protection order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two officers should be present when an order is being served.

387.4.3 SURRENDER OF PROHIBITED ITEMS

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.105.340):

- (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.
- (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 the officer's 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.

387.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to

Bremerton Police Department

Bremerton PD Policy Manual

Extreme Risk Protection Orders

be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

387.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring that:

- (a) Orders received from 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 7.105.350).
- (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 7.105.340).
- (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 7.105.350).
- (e) Orders that could not be personally served should be returned to the issuing court on the next judicial day following the last service attempt (RCW 7.105.155).
 - 1. The return should be made on the appropriate form and include the reason that service was unsuccessful.

387.7 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 7.105.340).
 - 1. The original receipt is to be forwarded to the Records Supervisor.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

387.8 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 7.105.345).

387.9 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 7.105.410).

Bremerton Police Department

Bremerton PD Policy Manual

Extreme Risk Protection Orders

387.10 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).

387.11 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 7.105.340):

- (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

387.12 EXTREME RISK PROTECTION ORDER COORDINATOR

The Chief of Police should designate an extreme risk protection order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members (RCW 7.105.100; RCW 7.105.105; RCW 7.105.110).
 - 1. This includes development of procedures to provide notice of an extreme risk protection order to persons who may be at risk of violence (RCW 7.105.110).
- (b) Identifying factors to consider when assessing whether to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. Whether the person has committed an act of violence toward themselves or another person.
 - 6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.

Bremerton Police Department

Bremerton PD Policy Manual

Extreme Risk Protection Orders

7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 9. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of RCW 7.105.150 (Methods of Service) and RCW 7.105.155 (Service by a Law Enforcement Officer). Procedures should include:
1. Methods of authorized service for orders (e.g., service by electronic means, personal service) including mechanisms and verification options for electronic service and electronic returns of service (RCW 7.105.175).
 2. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 3. Forwarding orders to the Operations Director or the authorized designee.
 4. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 5. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate.
- (d) Coordinating with the Operations Lieutenant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition, and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

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.
- 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 Contacts and Temporary Detentions 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:

- (a) Obtaining department-approved training related to his/her responsibilities.

Bremerton Police Department

Bremerton PD Policy Manual

Community Relations

- (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.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Community Relations

- (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 a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

Bremerton Police Department

Bremerton PD Policy Manual

Community Relations

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Community Relations

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.

Generative Artificial Intelligence Use

389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

389.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

389.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Bremerton Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

389.3 RESPONSIBILITIES

389.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

Bremerton Police Department

Bremerton PD Policy Manual

Generative Artificial Intelligence Use

389.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Support Services Division Captain or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 - 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
 - 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
 - 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 - 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 - 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 - 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 - 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.
- (c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- (d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

Bremerton Police Department

Bremerton PD Policy Manual

Generative Artificial Intelligence Use

- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each department-approved GenAI system.
- (h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.
- (m) Developing procedures in coordination with the *Brady* information coordinator and the Records Supervisor for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Washington Public Records Act.

389.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

Bremerton Police Department

Bremerton PD Policy Manual

Generative Artificial Intelligence Use

389.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

389.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

389.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

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:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

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, recruitment, 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 people.

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.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

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 that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

Bremerton Police Department

Bremerton PD Policy Manual

Department Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

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.

390.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

Bremerton Police Department

Bremerton PD Policy Manual

Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

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 use, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

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.

Chapter 4 - Patrol Operations

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.

Bremerton Police Department

Bremerton PD Policy Manual

Patrol Function

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.

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 or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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):

Bremerton Police Department

Bremerton PD Policy Manual

Bias-Based Policing

- (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 their supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) In the event of an alleged or observed violation, supervisors should review MAV recordings, body-worn camera (BWC) media, 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.
 - (a) Supervisors should document the completed reviews.
 - (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

Bremerton Police Department

Bremerton PD Policy Manual

Bias-Based Policing

- (c) Supervisors shall initiate investigations in accordance with the Personnel Complaints Policy 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 (WASPC) (RCW 43.101.410(3)).

402.7 ADMINISTRATION

The Operations Division Captain shall 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 report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It shall be reviewed and approved by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the department annual report and the annual report submitted to the WASPC, and discuss the results with those they are assigned to supervise.

402.7.1 INCIDENT REVIEW AND ANALYSIS

The annual report shall include a management review and analysis of bias-based profiling incidents and should address any policy, procedure, training, and/or personnel issues identified during the review process.

402.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include (RCW 43.101.410):

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

Special Weapons and Tactics Team

403.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Special Weapons and Tactics team (SWAT) in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

403.1.1 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that are specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage-taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

SWAT may generally be divided into two complementary teams:

Negotiation Team - Officers who are specifically trained and equipped to provide skilled verbal communications to de-escalate or effect surrender in situations where suspects have taken hostages or barricaded themselves or are suicidal.

Tactical Team - Officers who are specifically trained and equipped to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigators. This includes, but is not limited to, hostage-taking, barricaded suspects, snipers, terrorist acts, or other high-risk incidents. A tactical team may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues necessitate such use.

403.2 POLICY

It shall be the policy of this department to utilize the services of the Kitsap County Regional SWAT team when available to handle critical operations that are beyond the capability of field officers. At the discretion of the Chief of Police, or designee, the department may utilize the services of other allied agency tactical teams should the Kitsap County team be unavailable or other unique circumstances exist.

403.3 OPERATION GUIDELINES

The following are guidelines for the operational deployment of a SWAT team. Generally, the tactical team and the negotiation team will be activated together. It is recognized, however, that the teams may be activated independently as circumstances dictate. The tactical team may be used in a situation not requiring the physical presence of the negotiation team, such as warrant service operations. The negotiation team may be used in a situation not requiring the physical presence of the tactical team, such as a suicidal person. Operational deployment of the specialized teams shall be at the discretion of the SWAT commander.

Bremerton Police Department

Bremerton PD Policy Manual

Special Weapons and Tactics Team

403.3.1 APPROPRIATE USE

The following are examples of incidents which may result in the activation of the SWAT team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Individuals who are threatening suicide, have refused to surrender, and by their actions are a risk to public safety.
- (d) Arrests of potentially armed and dangerous persons.
- (e) Any situation that could enhance the ability of the Department to preserve life, maintain social order, and ensure the protection of property.

403.3.2 ON-SCENE DETERMINATION AND NOTIFICATION

The on-scene supervisor at the scene of a particular event shall be designated as the Incident Commander unless relieved by either a Lieutenant or Captain. The Incident Commander will assess whether the SWAT team should be consulted. If practical and time allows, the Operations or Support Services Division Captain will be consulted prior to call out. The request for a SWAT team will go through Kitsap-911. If a SWAT team response is approved, all coordination will be conducted between the Incident Commander and the SWAT Commander. The Incident Commander will ensure the Chief of Police is notified.

The on-scene Incident Commander will provide the SWAT Commander with as much of the following information that is available at the time:

- (a) The type of crime involved.
- (b) The number of suspects, identity, and criminal history.
- (c) The known weapons and resources that are available to the suspect.
- (d) If the suspect is in control of hostages and/or barricaded.
- (e) Whether contact has been made with the suspect and whether there have been any demands.
- (f) If potential victims are still within the inner perimeter.
- (g) If the suspect has threatened or attempted suicide.
- (h) The location of the command post and a safe approach to it.
- (i) The extent of any inner or outer perimeter and the number of officers involved.
- (j) Any other assets or resources at the scene including other involved agencies.
- (k) Any consultation with the prosecutor's office for a search or arrest warrant.
- (l) Any other important facts that are critical to the immediate situation.

403.3.3 FIELD PERSONNEL RESPONSIBILITIES

While waiting for the SWAT team to respond, the on-scene supervisor should, if determined to be safe, practical, and sufficient resources exist:

Bremerton Police Department

Bremerton PD Policy Manual

Special Weapons and Tactics Team

- (a) Establish an arrest/response team in case the suspect takes action. The response team's actions may include:
 - 1. Taking action to mitigate a deadly threat or behavior either inside or outside the location.
 - 2. Securing any subject or suspect who may surrender or attempt to escape. Evacuate any injured persons or citizens in the zone of danger.
- (b) Evacuate or provide safety instructions to other people in the zone of danger.
- (c) Establish an inner and outer perimeter.
- (d) Establish a command post outside of the inner perimeter.
- (e) Attempt to establish preliminary communication with the suspect. Once the SWAT team has arrived, all negotiations should generally be halted to allow the negotiation and tactical team time to set up.
- (f) Plan for, and stage, anticipated resources.

403.3.4 ON-SCENE COMMAND RESPONSIBILITIES

The Incident Commander shall brief the SWAT Commander and appropriate team supervisors about the situation. Upon review, it will be the SWAT Commander's decision, with input from the Incident Commander, whether to deploy the SWAT team. Once the SWAT Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, evacuation, media access, and any requested logistical support for the SWAT team. The Incident Commander and the SWAT Commander, or his/her designee, shall maintain communications at all times.

403.3.5 COMMUNICATION WITH SWAT MEMBERS

All persons who are non-SWAT members should refrain from any non-emergency contact or interference with any member of the team during active negotiations. SWAT operations require the utmost concentration by involved members and, as a result, no one should interrupt or communicate with SWAT members directly. All non-emergency communications shall be channeled through the negotiation team or tactical team supervisor or his/her designee.

Briefing

404.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

404.2 PREPARATION OF MATERIALS

The member conducting briefing is responsible for preparation of the materials necessary for a constructive briefing.

404.3 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

404.4 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among department members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in their absence or for training purposes.

Briefing should include but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
 - 1. Wanted persons.
 - 2. Crime patterns.
 - 3. Suspect descriptions.
 - 4. Intelligence reports and photographs.
 - 5. Community issues affecting law enforcement.
 - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

404.4.1 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.

Bremerton Police Department

Bremerton PD Policy Manual

Briefing

404.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Crime and Disaster Scene Integrity

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)).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Ride-Along Policy

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

Bremerton Police Department

Bremerton PD Policy Manual

Ride-Along Policy

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.

Bremerton Police Department

Bremerton PD Policy Manual

Ride-Along Policy

- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Hazardous Material Response

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.

Bremerton Police Department

Bremerton PD Policy Manual

Hazardous Material Response

- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Clandestine Labs

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Clandestine Labs

- (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.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Hostage and Barricade Incidents

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.

Bremerton Police Department

Bremerton PD Policy Manual

Hostage and Barricade Incidents

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Hostage and Barricade Incidents

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Hostage and Barricade Incidents

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 § 414 - Hostage and Barricade Incidents.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Bremerton Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY

It is the policy of the Bremerton Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 BREMERTON POLICE DEPARTMENT FACILITY

If the bomb threat is against the Bremerton Police Department facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Bremerton Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

Bremerton Police Department

Bremerton PD Policy Manual

Response to Bomb Calls

416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Bremerton, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

Bremerton Police Department

Bremerton PD Policy Manual

Response to Bomb Calls

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Sergeant including:
 - 1. The time of discovery.

Bremerton Police Department

Bremerton PD Policy Manual

Response to Bomb Calls

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

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; RCW 71.34.351):

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Emergency Detentions

- (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

Transport for any individual into emergency detention shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Emergency Detentions

- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Citation Releases

- (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.

Foreign Diplomatic and Consular Representatives

420.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Bremerton Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

420.2 POLICY

The Bremerton Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

420.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

420.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

Bremerton Police Department

Bremerton PD Policy Manual

Foreign Diplomatic and Consular Representatives

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety, or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

420.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

420.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

Bremerton Police Department

Bremerton PD Policy Manual

Foreign Diplomatic and Consular Representatives

Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

Bremerton Police Department

Bremerton PD Policy Manual

Foreign Diplomatic and Consular Representatives

- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Rapid Response and Deployment

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Rapid Response and Deployment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Rapid Response and Deployment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Rapid Response and Deployment

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Rapid Response and Deployment

- (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).

Body-Worn Cameras and In-Car Video

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body worn cameras (BWC's) and In-Car Video Systems (ICV's) by members of this Department while in the performance of their duties (RCW 10.109.010).

This policy does not apply to interviews or interrogations conducted at any Bremerton Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

423.2 POLICY

The Bremerton Police Department may issue BWC's and ICV's to members for use during the performance of their duties. The use of BWC's and ICV's are intended to enhance the mission of the Department by accurately documenting contacts between members of the Department and the public. Members may only wear or use BWC's authorized and issued by the Department.

423.3 COORDINATOR

The Chief of Police or the authorized designee should appoint a coordinator responsible for (RCW 10.109.010):

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for transferring, downloading, tagging or marking events.
- (c) Establishing procedures for members communicating to non-English speakers, those with limited English proficiency or those who are deaf or hard of hearing that a BWC is being used (see Communications With Persons With Disabilities Policy).
- (d) Establishing procedures for accessing data and recordings.
- (e) Establishing procedures for logging or auditing access.

423.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on BWC's and ICV's remain the property of the Department. Members have no expectation of privacy or ownership interest in the content of these recordings.

423.5 MEMBER RESPONSIBILITIES - EQUIPPING, TESTING AND WEARING

423.5.1 EQUIPPING

All uniformed officers assigned a BWC are required to wear the device while on duty. Members assigned to a non-uniformed position will wear a BWC when required by a supervisor, during planned events such as effecting a pre-planned arrest or executing a search warrant, and may wear a BWC at any time the member believes that it may be useful.

Patrol vehicles may be outfitted with In-Car Video (ICV) Systems. ICV's consists of both hardware and software components, which may include cameras (both forward facing and back seat),

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

microphones, and data storage devices which are used for the purposes of digitally capturing, storing, and reviewing police related events.

423.5.2 TESTING

Prior to going into service, members will ensure the BWC is in good working order. If the BWC is not in working order, or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to a supervisor and obtain a functioning BWC as soon as reasonably practicable.

If a member becomes aware their vehicle's ICV system is not in working order, that member shall promptly report the failure to a supervisor.

423.5.3 WEARING

Uniformed members should wear the BWC in a conspicuous manner, affixing their recorder to the chest area of their uniforms. For tactical operations, it is acceptable to affix the BWC to a helmet mount. Any other BWC mount option must be approved by the Chief of Police or designee.

Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

As safety considerations permit, members will make reasonable efforts to position the BWC to obtain useful recordings and capture critical evidence. Members will not intentionally cover or position the recorder or themselves to avoid recording an event.

423.6 ACTIVATION OF THE BODY-WORN CAMERA

423.6.1 MANDATORY ACTIVATIONS

When safe and practical to do so, the BWC will be activated in the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) Self-initiated activity in which a member would normally notify CenCom.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Dispatched calls, starting before the employee arrives on the call to ensure adequate time to turn on cameras.
- (f) Arrests and seizures.
- (g) Searches and inventories of vehicles, persons, or premises.
- (h) Handling and counting of currency up to the point it is sealed in an evidence envelope.
- (i) Transports (excluding ride-alongs).

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

- (j) Following or riding in ambulances or medic units that are transporting persons, who are in police custody, to a medical facility.
- (k) Vehicle failing to stop, eluding or pursuits.

Conversations between law enforcement officers and members of the public are not generally considered private under Washington State law. There is no requirement for an officer to turn off the BWC at the request from a member of the public who objects to having the interaction recorded under the circumstances described in this section.

423.6.2 ACTIVATION AMNESTY

Developing automatic habits take time to ingrain through repetition. In recognition of this:

- (a) No member will be subject to discipline for failing to activate a BWC for any reason for the first month or 16 shifts, whichever occurs later after he or she is assigned to wear a BWC. During this amnesty period, evidence of a failure to activate a BWC shall not be used or considered for performance evaluations or discipline.
- (b) The amnesty period will activate upon a member's return to the patrol division from a non-patrol specialty unit and remain in effect for one month.
- (c) This amnesty period shall remain in effect through the entirety of a newly hired officer's field training.

423.6.3 EXCEPTIONS TO MANDATORY ACTIVATIONS (DISCRETIONARY RECORDING)

In addition to the mandatory activations described in the preceding section, members should activate the BWC any time the member believes it would be appropriate or valuable to record an incident unless recording is otherwise prohibited by this policy.

Members may exercise discretion by discontinuing recording whenever it reasonably appears that privacy concerns outweigh any legitimate law enforcement interest in recording. Examples of situation where members may consider not recording include:

- (a) Requests by members of the public to stop recording when the circumstances do not require mandatory recording under Policy 423.6.1.
- (b) Law enforcement activity involving sensitive communications, matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation.
- (c) Conversations with crime witnesses and members of the community who wish to report criminal activity, particularly if recording would impede the cooperation of a victim or witness.
- (d) When the officer is in a location where individuals have a reasonable expectation of privacy (such as a bathroom or locker-room) and the officer is not there to effect an arrest or serve a warrant.
- (e) When respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include (without limitation) natural death scenes, death notifications, child or sexual assault victim interviews, and cultural or religious objections to being recorded.

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

- (f) When the officer has an articulable basis, based on the facts and circumstances of the particular situation, that recording would be unsafe.

423.6.4 ACTIVATION PROHIBITED

BWC's emit radio waves that could trigger an explosive device. BWC's should not be used where an explosive device may be present.

Members will not record in restrooms, jails and the interiors of medical, mental health, counseling, or therapeutic facilities unless for a direct law enforcement purpose. Examples of a direct law enforcement purposes include:

- (a) Crime(s) in progress and the recording of the location is material to a criminal investigation (e.g. Recording of an investigation of a crime committed at the facility, the drawing of blood at a facility following a DUI, the taking of a statement from a suspect victim or witness while in a facility, etc., would be permitted).
- (b) Taking resisting person into custody.
- (c) Ongoing or impending use(s) of force.
- (d) Recording an allegation of misconduct.

423.6.5 DELAY IN REQUIRED ACTIVATION

Members frequently encounter situations which require immediate action to protect themselves or others. At no time is a member expected to jeopardize his or her safety in order to activate a BWC. However, the recorder should be activated in situations described in 423.6.1 as soon as reasonably practicable.

423.6.6 NOTIFICATION OF RECORDING

Members should notify all persons present that they are being recorded as soon as practical, and the notification should be on the recording. Members will make reasonable efforts to repeat the notification, if practical, for additional people that become involved in the recording.

If a situation requires immediate action prior to an advisement being given, members should prioritize safety over advisement and provide the advisement as soon as practicable.

Prior to a custodial interrogation, officers shall inform arrested persons that they are being audio and video recorded with a body camera. This statement, along with the Miranda advisement, shall be included in the recording.

Members will make reasonable efforts to communicate to non-English speakers, those with limited English proficiency, or deaf persons that they are being recorded.

423.7 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the member reasonably believes the incident has concluded.

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

423.7.1 DETERMINING THE CONCLUSION OF AN EVENT

An event has concluded when the member has completed his or her part of the active investigation and there is little possibility that the member will have further contact with any person involved in the event. For transports to the jail, the event concludes when the member enters the sally port or the facility. For medical facilities, in general, officers will end recording when custody is transferred to the medical staff and any suspect hostilities have ended. Officers will be mindful of sensitive areas of medical facilities, and when possible, end the recording.

423.7.2 PAUSING OF RECORDING

Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Audio recording with a BWC may be temporarily disabled, or muted, for conversations with other officers or persons not involved with the call. Muting the audio should only be used in rare circumstances and should not be a common occurrence.

Members may briefly stop the BWC during an event to view video that would assist in an investigation. Members will restart recording as soon as the desired information has been gathered.

If a member is assigned to perimeter security at an extended major incident, the on-scene supervisor, may authorize recording to be stopped when he or she reasonably believes further recording will not capture audio/visual evidence regarding the incident or enforcement efforts.

Members who stop, or mute, recording during an event will state on the recording their intention to stop recording and explain the basis for that decision. If a report is generated, employees will also document the reason(s) in the report.

423.8 IDENTIFICATION, PRESERVATION AND DOCUMENTATION OF RECORDINGS

Members will identify and tag recorded video with any applicable case number, and classify the video by type, prior to the end of their shift.

423.8.1 UPLOAD

Before going out of service, members will dock their BWC to initiate upload of video and recharging. If the video upload process is not initiated before the end of shift, members will notify a supervisor.

423.8.2 REPORTING

Members should document the existence or absence of any recording in any report or other official record of the contact, including any instance where the BWC malfunctioned, or the member deactivated the recording. Members should include the reason for deactivation in accordance with RCW 10.109.010(c).

Members should not rely on the fact that a recording was made as a reason to write a less detailed report and may refer to the video when writing the report.

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

423.9 PROHIBITED USE OF BWC

423.9.1 SURREPTITIOUS USE OF THE BWC

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090, and RCW 9.73.210. Members shall not surreptitiously record another Department member without a court order.

423.9.2 ADDITIONAL PROHIBITED ACTIVITIES

- (a) Members are prohibited from using BWC's or recorded media for personal use, non-work-related purposes or otherwise operate the body camera outside their legitimate law enforcement duties.
- (b) Members are prohibited from making personal copies of recordings.
- (c) Members shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes.
- (d) Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.
- (e) Members shall not tamper with, alter, or delete video. This does not apply to redaction or purges of videos under established guidelines.
- (f) Employees are prohibited from accessing the secure video server except for legitimate law enforcement purposes, including authorized review of body camera video as described below, or otherwise for work related to their job assignment.

423.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the current Washington State Law Enforcement Records Retention Schedule.

Videos labeled as evidentiary shall be retained on the secure video server in compliance with state law and until all trial and appellate litigation has been completed.

Videos labeled as non-evidentiary shall be retained on the secure video server for 90 days and thereafter may be destroyed in accordance with the applicable records retention schedule.

Videos redacted for a public records request shall be retained for 24 months after the request and then deleted.

423.10.1 INADVERTENT / ACCIDENTAL ACTIVATION

Inadvertent or accidental recordings do not meet the statutory definition of a public record, as described in RCW 40.14.010, because they are not made "in connection with the transaction of public business" and as such may be deleted. In the event of an accidental activation, where the resulting recording is of no perceived investigative or evidentiary value, the recording member may request the body camera video be deleted. The member should submit a written request, including the date and time of the inadvertent/accidental recording, through their chain of command to the Division Captain or designee. The Division Captain or designee shall approve or deny the request and take appropriate action.

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

423.11 RELEASE OF RECORDINGS

Requests for the public release of BWC or ICV recordings shall be processed in accordance with the Records Maintenance and Release Policy. Prior to public or media release, videos will be reviewed and, if applicable, redacted. Redactions will be consistent with statutory exemptions under Washington law RCW 42.56.240.

Videos may be accessed directly by prosecutors whose offices have an account for the secure video server.

The Chief of Police may release video footage absent a public disclosure request if:

- (a) There is significant public interest to release the video,
- (b) The video provides information related to the apprehension/prosecution of offenders or,
- (c) The video highlights positive work performed by the Department.

423.12 INTERNAL REVIEW OF RECORDINGS

Department members and City staff may review BWC or ICV footage under the following circumstances:

- (a) When preparing written reports, members may generally review recordings.
- (b) Supervisors or administrators any time they are reviewing uses of force, circumstances where the driver of a vehicle fails to stop when directed by law enforcement (Pursuits / Attempts to Elude / Failure to Obey) or investigating alleged misconduct. Supervisors and administrators will not, without cause, randomly review video footage for the sole purpose of looking for misconduct.
 - i. The Department acknowledges that video recordings provide only a two-dimensional perspective, with limited vantage points, of an incident. Consequently, the Department will never rely solely upon the review of video recordings as the basis for discipline against an officer. Instead, the Department shall review and consider other available evidence (such as witness statements, officer interviews, forensic analysis, documentary evidence, etc.) prior to imposing discipline against an officer.
- (c) Supervisors or administrators when they become aware of meritorious conduct by a member. Prior to any recordings being used to aid in recognition for meritorious conduct, all officers depicted on the video will be notified. If an officer in the video objects, the recording will not be used.
- (d) Technical support staff who are assessing the proper functioning of the BWC or ICV.
- (e) Department investigators who are participating in a criminal investigation.
- (f) Recordings may be viewed for training purposes. Prior to any recordings being used for training purposes, all officers depicted on the video will be notified. If an officer in the video objects, the recording will not be used for training purposes.

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

- (g) By an employee's legal counsel and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or criminal investigation.
- (h) By the City's legal staff involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.
- (i) By authorization of the Chief of Police, or designee, for legitimate law enforcement purposes not addressed elsewhere in this policy.

423.13 LIVE MAPPING AND STREAMING VIDEO FEATURES

423.13.1 LIVE MAPPING

When a member is actively recording with their BWC, the supervisor can view the location of the member via their BWC in real-time through Evidence.com. A list of BWC's that are actively recording or have recorded within the previous four hours can also be viewed.

The Live mapping feature enables a supervisor to have better situational awareness of an officer's location. This feature can be helpful in the following circumstances:

- (a) Coordinating a response to a major incident such as, but not limited to, an active shooter, hostage situation, or civil unrest;
- (b) Following the location of a foot pursuit; and
- (c) Identifying the location of an officer in need of assistance, or who is not responding or unable to radio communications.

423.13.2 LIVE STREAMING

The Live Streaming feature enables remote viewing of an officer's BWC while in recording mode.

Through the Evidence.com portal, an authorized supervisor or administrator can select a camera displayed on the live map and begin viewing and hearing what the BWC is recording.

The Live Streaming feature enables a supervisor, to view, in real time, an officer's situation during a call for service.

Applications of the Live Streaming feature can be used in the following situations:

- (a) Tracking and observing a foot pursuit and providing information to responding units;
- (b) Viewing high-risk felony incidents, vehicle pursuits, hostage situations;
- (c) Viewing a building search or the execution of search warrant entries;
- (d) Determining whether an officer is injured or needs emergency assistance; and
- (e) Unusual occurrences.

Notification: When a supervisor or administrator initiates the Live Streaming feature, the BWC will notify the officer through a special Live Streaming icon displayed on the BWC's LCD screen, as well as verbally over the radio frequency.

Bremerton Police Department

Bremerton PD Policy Manual

Body-Worn Cameras and In-Car Video

Authorization: Sworn personnel, the rank of Sergeant and higher, will have authorized access to the Live Streaming and Mapping function.

Prohibitions: The use of the Live Streaming and Mapping feature in any way other than in the course of their official duties is strictly prohibited. Any prohibited use of the Live Streaming and Mapping feature will be subject to disciplinary action.

423.14 TRAINING

The training lieutenant or supervisor should ensure that those members issued a BWC receive initial Department authorized training prior to wearing and operating the recorder. BWC training topics will include system preparation, operation, and Department policy. The Training lieutenant or supervisor will schedule periodic refresher training as deemed necessary.

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Immigration Violations

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Immigration Violations

- (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.

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.

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.

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.

432.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Aircraft Accidents

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)

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.

Bremerton Police Department

Bremerton PD Policy Manual

Aircraft Accidents

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.
- (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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- (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).
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Bremerton Police Department

Bremerton PD Policy Manual

Aircraft Accidents

- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

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- (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.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Response to Airport for Pilot Related Incidents

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.

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) 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.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with academy staff on recruit performance during the academy.

Bremerton Police Department

Bremerton PD Policy Manual

Field Training Officer Program

- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Field Training Officer Program

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Contacts and Temporary Detentions

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.

438.3.2 JUVENILE FIELD CONTACTS

An officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference, before the juvenile waives any constitutional rights anytime an officer detains a juvenile based on probable cause of involvement in criminal activity or requests the juvenile provide consent to an evidentiary search of the juvenile's property, dwellings, or vehicles under their control (RCW 13.40.740). See the Temporary Custody of Juveniles Policy, Interviewing or Interrogating Juvenile Suspects section for additional guidance and exceptions.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Contacts and Temporary Detentions

- (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.

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.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Contacts and Temporary Detentions

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:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to their 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, consent should be obtained from the parent or guardian, if available, prior to transport.

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 supporting documentation for an entry shall be retained by the Records Unit in accordance with

Bremerton Police Department

Bremerton PD Policy Manual

Criminal Organizations

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.

Bremerton Police Department

Bremerton PD Policy Manual

Criminal Organizations

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 General Investigations Unit (GIU) 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:

- (a) The protection of civil liberties

Bremerton Police Department

Bremerton PD Policy Manual

Criminal Organizations

- (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).

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 proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Kitsap 911. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Mobile Computer Terminal Use

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, Protected Information, and CJIS Access, Maintenance, and Security 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, or 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 their 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

Bremerton Police Department

Bremerton PD Policy Manual

Mobile Computer Terminal Use

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Mobile Computer Terminal Use

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.

Medical Cannabis

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 cannabis 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 cannabis.

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 cannabis authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual may act as a designated provider to no more than one patient at a time, is prohibited from consuming cannabis obtained for the use of the qualifying patient, and may only provide cannabis to the patient designated to the provider.

Medical use of cannabis - The manufacture, production, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of the patient's terminal or debilitating medical condition.

Qualifying patient - Any person who meets all of the following criteria:

- Has been diagnosed by the person's 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 the person's health care professional about the risks and benefits of the medical use of cannabis
- Has been advised by the health care professional that the person may benefit from the medical use of cannabis
- Has an authorization from the person's health care professional or has been entered into the medical cannabis authorization database and has been provided a recognition card
- Is not under supervision for a crime that does not allow for the use of medical cannabis

Bremerton Police Department

Bremerton PD Policy Manual

Medical Cannabis

Recognition card - A card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database.

450.2 POLICY

It is the policy of the Bremerton Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical cannabis laws are intended to provide protection from prosecution for those who use, possess, deliver, or produce cannabis to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical cannabis laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of cannabis.

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 cannabis 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 cannabis where there is no claim that the cannabis 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 cannabis 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 cannabis authorization database and who possesses a valid recognition card or who holds a valid authorization but has not been entered into the authorization database nor issued a recognition card should not be arrested or cited if the patient or provider possesses no more than six plants in the patient's or provider's residence with up to 8 ounces of useable cannabis from these plants and any of the following (RCW 69.51A.040):

Bremerton Police Department

Bremerton PD Policy Manual

Medical Cannabis

- (a) 48 ounces of cannabis-infused product in solid form
- (b) 3 ounces of useable cannabis
- (c) 216 ounces of cannabis-infused product in liquid form
- (d) 21 grams of cannabis concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable cannabis in the patient's residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers who have not been entered into the authorization database may purchase cannabis only at a retail outlet at the same quantities as non-patients (RCW 69.50.360; RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones and cannabis seeds from a licensed cannabis producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, the person 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 patient's cannabis for the provider's 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 sold, donated, or supplied the cannabis to another person (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 cannabis in the patient's or provider's possession exceeds the amount legally allowed by RCW 69.51A.040 based upon medical need (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 cannabis if an excess amount appears reasonable based upon the above policy consideration. 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.040).

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:

Bremerton Police Department

Bremerton PD Policy Manual

Medical Cannabis

- (a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:
 - 1. The medical condition itself.
 - 2. The quality of the cannabis (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 cannabis).
 - 5. Whether the cannabis 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 cannabis authorized under the Washington medical cannabis 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 15.140.030).
- (e) A medical endorsement can be added to a cannabis retail license to allow a retailer to sell cannabis 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 Cannabis Authorization Database and regulates cannabis retail outlets with medical cannabis endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-080).

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 cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical cannabis in a manner or place open to the view of the public.

450.5 FEDERAL LAW ENFORCEMENT

Officers may exchange information regarding a cannabis investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

Bremerton Police Department

Bremerton PD Policy Manual

Medical Cannabis

450.6 PROPERTY AND EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Property and Evidence Room Supervisor shall ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom cannabis, 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 cannabis, 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 cannabis that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Room Supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the General Investigations Unit Supervisor.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Bicycle Patrol Unit

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.

Bremerton Police Department

Bremerton PD Policy Manual

Bicycle Patrol Unit

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

Bremerton Police Department

Bremerton PD Policy Manual

Bicycle Patrol Unit

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.

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.
- (e) Air support.

Bremerton Police Department

Bremerton PD Policy Manual

Foot Pursuits

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Foot Pursuits

- (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;

Bremerton Police Department

Bremerton PD Policy Manual

Foot Pursuits

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.

Bremerton Police Department

Bremerton PD Policy Manual

Foot Pursuits

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Automated License Plate Readers

- (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

All data and images gathered by an ALPR are for the official use of the Bremerton Police Department, and because such data may contain confidential ACCESS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Operations Division Captain is responsible to ensure proper collection and retention of ALPR data.

All ALPR data shall be stored according to the [Washington State Law Enforcement Records Retention Schedule](#) and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be submitted into evidence.

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 Records Supervisor and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) The Operations Division Lieutenant should conduct ALPR system audits annually.

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.

Officers shall complete a report to document the condition of the vehicle and the circumstances of the recovery.

Bremerton Police Department

Bremerton PD Policy Manual

Stolen Vehicles

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.

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 Emergency 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.

Bremerton Police Department

Bremerton PD Policy Manual

Homeless Persons

- (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.

Food or drink items that may spoil and items that are soiled or contaminated with hazardous materials including bodily fluids should be photographed and discarded if they have no evidentiary value. Officers shall document why they discarded an item in their report.

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, 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 to address 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

Bremerton Police Department

Bremerton PD Policy Manual

Homeless Persons

circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

462.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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 behavior to be unlawful. Accompanying the warnings should be clear directions on what an

Bremerton Police Department

Bremerton PD Policy Manual

Public Recording of Law Enforcement Activity

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 evidence is to transmit a copy of the recording from a device to a department-owned device.

Bremerton Police Department

Bremerton PD Policy Manual

Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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.

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

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.

Bremerton Police Department

Bremerton PD Policy Manual

Crisis Intervention Incidents

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Crisis Intervention Incidents

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:

- (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).

Bremerton Police Department

Bremerton PD Policy Manual

Crisis Intervention Incidents

- (c) Ensure a CIO responds to the scene if available. Consider 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).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Crisis Intervention Incidents

- (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.).

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 of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Medical Aid and Response

Injured persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

466.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

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 emergency detention in accordance with the Emergency Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer 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.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Medical Aid and Response

466.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs 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 shall 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Medical Aid and Response

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, the arrestee 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 to an appropriate medical facility.

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.

466.10.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Operations Division Captain should develop protocols related to the following:

- (a) Providing security and control during an examination or treatment, including:
 - 1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
 - 2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
- (b) Responsibility for continuing security and control if the person in custody is admitted to the hospital
 - 1. This should include transferring custody of the person to an appropriate agency.

466.10.2 STATE REQUIREMENTS

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.

Bremerton Police Department

Bremerton PD Policy Manual

Medical Aid and Response

- (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, the officer's 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.

466.11 FIRST-AID TRAINING

The Operations Lieutenant should ensure officers receive periodic first-aid training appropriate for their position.

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.

Bremerton Police Department

Bremerton PD Policy Manual

First Amendment Assemblies

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 SIGNATURE GATHERING

The Bremerton Police Department recognizes that gathering signatures for ballot measure petitions is a constitutionally protected right in the State of Washington. A private commercial property owner's ability to restrict someone from gathering signatures is not clearly defined by statute and disputes should generally be resolved by the court. The purpose of this policy is to provide guidance to officers responding to these calls.

- When feasible, officers responding to signature gathering calls should notify a supervisor of the nature of the call prior to response.
- If requested by any of the involved parties, officers shall document the activities in a police report. Officers may ask for a signature gatherer's name, but may not generally order them to provide it.

Bremerton Police Department

Bremerton PD Policy Manual

First Amendment Assemblies

- Officers may detain or arrest a signature gatherer in limited circumstances such as when a signature gatherer is blocking the entry/exit or when enforcement action is specifically authorized by a valid court order. Prior to taking any enforcement action, officers shall seek voluntary compliance, contact a supervisor and, if feasible, seek guidance from the City Attorney.

467.6 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

467.6.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or 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).

467.6.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

First Amendment Assemblies

- (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.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

467.6.3 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).

467.7 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.

Bremerton Police Department

Bremerton PD Policy Manual

First Amendment Assemblies

467.8 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 conducted energy devices 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).

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.

467.9 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).

Bremerton Police Department

Bremerton PD Policy Manual

First Amendment Assemblies

467.10 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).

467.11 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.

467.12 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)

467.12.1 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.

467.13 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.

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Civil Disputes

court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult 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 7.105.320). 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 the person 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.

Bremerton Police Department

Bremerton PD Policy Manual

Civil Disputes

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.

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 correspondence.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Suspicious Activity Reporting

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.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Function and Responsibility

- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 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

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Function and Responsibility

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. 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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Function and Responsibility

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".
 - 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.

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Function and Responsibility

- (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.

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 guidelines 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.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Stops

- (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

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Stops

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) If reasonable, allow the driver the opportunity to 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.

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Stops

- (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.
 - 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.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Stops

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.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

This policy describes the circumstances in which members should prepare traffic collision reports.

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 shift.

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Collision Reporting

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 be taken when they occur on private property under any of the following circumstances:

- (a) When there is a death or injury to any person involved
- (b) When a hit-and-run violation occurred
- (c) When required by RCW
- (d) Property damage exceeds the dollar amount currently established by WSP

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

When a collision results in death or substantial bodily harm as defined in RCW 9A.04.110, officers shall use the current state authorized form to document the collision and submit it to the appropriate state department (RCW 46.52.070).

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Collision Reporting

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 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.

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.

For those collisions being investigated by another agency, the Traffic Unit may be directed to assist or conduct a concurrent investigation of the collision.

Bremerton Police Department

Bremerton PD Policy Manual

Employee Involved Collisions

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 OFFICE OF PROFESSIONAL STANDARDS REVIEW

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 Office of Professional Standards (OPS). The OPS 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 in the process.
- (d) Collisions occurring while the vehicle is being operated as an emergency vehicle, including vehicle pursuits, are subject to review.

The involved employee will enter all of the investigative reports, photos and relevant information into an approved form. Collisions that may be the subject of a criminal action are not reviewed until the matter is closed. The on-duty supervisor will ensure reports and the approved form are complete. After all pertinent reports, evidence and details have been reviewed, OPS 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

Bremerton Police Department

Bremerton PD Policy Manual

Employee Involved Collisions

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.

The Support Services Captain will review any preventable collision, and present the findings to the Chief of Police for disposition. The Chief of Police may propose corrective action or discipline in accordance with the provisions of Policy Manual 1021 - Discipline.

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.

Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

510.2 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

510.3 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers should investigate whether reasonable alternatives to towing are available after arrest. A vehicle should not be towed if reasonable alternatives are available. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- (a) The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- (b) The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- (c) The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- (d) The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

510.4 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including but not limited to any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Towing

- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) 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.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property form should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members, and protecting the Department against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

510.5 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Towing

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or their agent to request a hearing to contest the tow.

510.6 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)

510.7 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.

510.8 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.

510.9 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.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Towing

510.10 POLICY

The Bremerton Police Department will tow vehicles when appropriate and in accordance with the law.

510.11 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Kitsap 911 to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (RCW 46.55.080; RCW 46.55.085; RCW 46.55.113).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

510.12 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

An officer should tow a vehicle when probable cause exists to believe the vehicle has been stolen or used in the commission of a felony, or the driver committed a traffic offense for which impoundment is authorized by law.

510.12.1 RECORDS UNIT RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Bremerton Police Department, officers will promptly attempt to notify the legal owner of the recovery.

510.13 RECORDS

Pertinent data regarding a towed vehicle should promptly entered into the appropriate database.

510.13.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete an impound authorization and inventory form. The report should be submitted to the Records Unit as soon as practicable after the vehicle is towed.

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.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Impaired Driving

- 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.

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):

Bremerton Police Department

Bremerton PD Policy Manual

Impaired Driving

- (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.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Impaired Driving

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.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

Bremerton Police Department

Bremerton PD Policy Manual

Impaired Driving

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.
- (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)).

Bremerton Police Department

Bremerton PD Policy Manual

Impaired Driving

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.

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Citations

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 report has been completed in the RMS system. 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.

Bremerton Police Department

Bremerton PD Policy Manual

Traffic Citations

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Disabled Vehicles

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.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Bremerton Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 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.

Bremerton Police Department

Bremerton PD Policy Manual

Investigation and Prosecution

- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

600.4 CASE MANAGEMENT

The General Investigations Unit supervisor is responsible for the proper management of all cases. The General Investigations Unit supervisor or the authorized designee should use the department's case management system to screen all criminal reports for follow-up assignment or closure based on solvability factors. Solvability factors to consider include the following:

- (a) Witnesses to the crime
- (b) Suspect identification, description, or location
- (c) Vehicle identification
- (d) Motive
- (e) Physical evidence
- (f) Whether stolen property can be traced
- (g) Other potential suspects

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. See the Temporary Custody of Juveniles Policy for juvenile requirements.

600.5.1 AUDIO/VIDEO RECORDINGS

The following custodial interrogations conducted at a place of detention (as defined by RCW 10.122.020) shall be electronically recorded (audio and video):

- (a) The interrogation of a juvenile

Bremerton Police Department

Bremerton PD Policy Manual

Investigation and Prosecution

(b) The interrogation of an adult who is suspected of a felony

The recording shall include any required warnings, advice of the rights of the individual being questioned, and waiver of rights. Consent to the electronic recording is not required, but the officer shall inform the suspect that they are being recorded (RCW 10.122.030).

A custodial interrogation at any place other than a place of detention shall be recorded by audio means at a minimum (RCW 10.122.030).

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the General Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5.2 SUPERVISORY DUTIES

Supervisors will ensure the proper collection of recorded custodial interrogations in compliance with this policy.

600.5.3 NON-COMPLIANCE

Any instances of non-compliance with the recording requirements will be handled in conjunction with the Department's Discipline Policy (1021). These instances will be reported to the Chief of Police by way of the Chain of Command.

600.5.4 DOCUMENTATION

If a custodial interrogation at a place of detention occurs without electronically recording it in its entirety, the officer shall prepare a written or electronic report explaining the reason and summarize the custodial interrogation process and the individual's statements. This report shall be completed as soon as practicable after completing the interrogation (RCW 10.122.030).

If the custodial interrogation occurs outside a place of detention, the officer shall complete a report as soon as practicable explaining the decision and summarize the custodial interrogation process and the individual's statements (RCW 10.122.030).

600.5.5 EXCEPTIONS

Exceptions to the recording requirements apply in the following circumstances:

Bremerton Police Department

Bremerton PD Policy Manual

Investigation and Prosecution

- (a) When spontaneous utterances or statements are made outside the course of a custodial interrogation, or a statement made in response to a question asked routinely during the processing of the arrest of an individual (RCW 10.122.030).
- (b) Exigent circumstances exist that prevent an officer from electronically recording an interrogation. In those cases, the officer shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed (RCW 10.122.040).
- (c) The individual indicates a refusal to participate or further participate in the electronic recording. When feasible, the agreement of the individual to participate in the interrogation without recording or further participate should be recorded electronically (RCW 10.122.060).
- (d) The officer conducting an interrogation has no reason to believe the individual being interrogated committed an act that requires electronic recording of the interrogation (RCW 10.122.080).
 - 1. If during the interrogation, the individual being interviewed reveals facts and circumstances that give the officer conducting the interview a reason to believe that an act was committed that requires an electronic recording, the continued interrogation shall be recorded.
- (e) The officer or the officer's supervisor reasonably believes the electronic recording would disclose the identity of a confidential informant or jeopardize the safety of the officer, the individual being interrogated, or another person (RCW 10.122.090).
 - 1. If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be electronically recorded at the time of the interrogation or if not feasible as soon as practicable after the interrogation is completed.
- (f) The equipment malfunctions (RCW 10.122.100).

600.5.6 RECORDING PROCEDURES

The Chief of Police should designate a member of the Department to be responsible for electronic recordings. Responsibilities should include but are not limited to (RCW 10.122.150):

- (a) Developing protocols on how a recording is made, including the following:
 - 1. Standards for angles, focus, and field of vision to promote accurate recording.
- (b) Developing procedures for the collection and review of recordings or absence of recordings by supervisors.
- (c) Assigning a specific supervisor responsibility to promote accountability, including but not limited to:
 - 1. Adequate staffing.
 - 2. Training.
 - 3. Material resources.

Bremerton Police Department

Bremerton PD Policy Manual

Investigation and Prosecution

- (d) Developing procedures for preservation of chain of custody of recordings.
- (e) Developing a process for explaining noncompliance with procedures.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should consult with the General Investigations Unit Supervisor and take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters

Bremerton Police Department

Bremerton PD Policy Manual

Investigation and Prosecution

information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

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 its 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.

601.3 CASE MANAGEMENT

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

- (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 reports should be completed as soon as practical. Accountability will be addressed in a case review between supervisor and investigator.

601.5.3 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

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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 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

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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) and/or Northwest High Intensity Drug Trafficking Area (NWHIDTA) 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.

601.6 CONFIDENTIAL INFORMANTS

See Confidential Informants Policy

601.7 VICE AND ORGANIZED CRIME INVESTIGATIONS

Organized crime and vice investigations will be conducted by GIU or DET as approved by the unit supervisor.

601.8 INVESTIGATIVE EXPENSES

- (a) If investigative funds are not issued to or controlled by any member of the unit, the audits and other monthly requirements as described are not required.
- (b) Investigative expenses are those authorized expenditures incurred by officers or detectives during an investigation. They directly relate to the continuing development of an investigation and/or payment to informants.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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 for out-of-area meal expenses. The GIU or DET supervisor will ensure these expenditures comply with the criteria established by City policy for allowable meal expenses.
- (g) Expenditures for food or beverages based solely upon an employee having to work unusual hours or stemming from liaison conferences are not reimbursable.

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

601.8.1 ADVANCE WITHDRAWAL OF INVESTIGATIVE FUNDS

- (a) The GIU or DET supervisor may issue an officer or detective funds to be used for investigative expenses.
- (b) The officer or detective shall submit a receipt for cash, which shall include the signature of the supervisor and a witness.
- (c) Investigative funds held by the officer or detective shall be made available at all times to the unit supervisor for review.
- (d) Investigative funds shall be returned when the officer or detective leaves the unit or at the direction of the GIU or DET supervisor.
- (e) The Support Services Lieutenant or Captain will arrange for quarterly audits of investigative funds.

601.8.2 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 GIU or DET supervisor, or their designee.

601.8.3 RESPONSIBILITIES

- (a) GIU and DET supervisors
 - 1. The supervisors are responsible for management and oversight of their units' 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) Officers and detectives
 - 1. Officers and 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) Office Assistant

Bremerton Police Department

Bremerton PD Policy Manual

General Investigations

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.

Asset Forfeiture

605.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

605.1.1 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. (Unless otherwise directed, this will be the General Investigations Unit supervisor).

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) Interest, proceeds, and real or personal property related to organized crime, criminal profiteering, human trafficking, commercial sexual abuse of a minor, or promoting prostitution (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting prostitution in the first degree, and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, including money, weapons, and vehicles, 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, including money, weapons, and vehicles, 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).
- (h) Conveyances, including aircraft, vehicles, or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (e.g., money, real property) (RCW 69.50.505).

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

- (i) Boats, vehicles, gear, or other equipment used for poaching/wildlife crimes (RCW 77.15.070).
- (j) Vehicles used to commit the crime of racing (RCW 46.61.748).

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.

605.2 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.

605.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

605.3.1 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 9A.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 or promoting prostitution in the first degree (RCW 9A.88.150).
 - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering, or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
 - 4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
 - 5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

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.

605.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving the possession of cannabis (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 9A.46.231; RCW 9A.88.150; RCW 69.50.505).

605.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

It shall be the responsibility of the forfeiture reviewer 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 and RCW 9A.88.150. Before seizing any currency, vehicle, or personal property pursuant to RCW 69.50.505 or RCW 9A.88.150, an employee should contact the forfeiture reviewer. The following guidelines will be observed:

- (a) Serve all persons with Notice of Seizure and Intended Forfeiture forms within the designated timeframe.
- (b) A copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the forfeiture reviewer, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources.
- (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 forfeiture reviewer shall have the responsibility to ensure that the City of Bremerton complies with all provisions of RCW 69.50.505 and 9A.88.150 when initiating any seizure and intended forfeiture of personal property.

605.4.1 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 "Seizure" box checked on the Item Detail page of File-on-Q.

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

605.4.2 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 of currency exceeding \$10,000 is placed into Property and Evidence, the submitting officer shall promptly notify the Support Services Captain or Lieutenant of the submission. The Support Services Captain or Lieutenant should make necessary arrangements to have the currency removed from the intake lockers and placed into the Evidence safe.

When a seizure and intended forfeiture of US currency (in any form) is initiated, the forfeiture reviewer 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 forfeiture reviewer will complete a supplemental report documenting the deposit.
- (b) The forfeiture reviewer 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 GIU 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 15 business days.

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.

605.4.3 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 forfeiture reviewer 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.

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

605.4.4 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.
- (e) File a lawful seizure claim/declaration of use tax with the Washington State Department of Treasury.
- (f) Transfer ownership to the City of Bremerton.

605.4.5 ASSET FORFEITURE LOG

A log of all asset forfeiture cases shall be kept by the forfeiture reviewer. The inventory shall include the following:

- Case number.
- Date of seizure.
- Location 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 forfeiture reviewer 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 in accordance with the established records retention schedule.

605.5 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.

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

- (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.

605.6 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) Deciding whether the forfeiture is more appropriately made under state or federal forfeiture 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.
 - 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 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

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

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 intent to seek forfeiture has been given in a timely manner to those who hold an interest in the seized property.
 - 4. Property is promptly released to those entitled to its return.
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Asset Forfeiture

605.7 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.

Confidential Informants

607.1 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

607.2 INFORMANT FILE SYSTEM

The Directed Enforcement Team (DET) supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

607.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall include the following:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Photo.
- (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) Criminal history check (Triple I, EIS, WISN)
- (j) Information provided by the informant.
- (k) If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (l) Name of officer initiating use of the informant.
- (m) Signed informant agreement, Prosecutor's contract and/or Special Consent form.
- (n) Use record.
- (o) Payment records.
- (p) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the DET 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 officers or the reliability of the confidential informant.

Access to the informant files shall be restricted to Command Staff, their designees and DET personnel.

Bremerton Police Department

Bremerton PD Policy Manual

Confidential Informants

607.2.2 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.

607.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the DET supervisor. The officer 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.

607.3.1 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.

607.3.2 INFORMANT RESTRICTIONS

If an informant is arrested for a federal or state felony while under contract, his/her use shall be reviewed by the DET supervisor for evaluation of continued use. Any informant who has been previously declared unreliable by any police agency shall not generally be used. The DET supervisor may approve their use under special circumstances.

607.3.3 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.

607.4 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.

Bremerton Police Department

Bremerton PD Policy Manual

Confidential Informants

607.4.1 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 officers shall be present at all in-person contacts with the informant. Single officer in-person contacts must be approved by the supervisor.
- (e) Contacts with informants shall minimize their access to knowledge of police department facilities, operations, activities, and personnel.
- (f) Informants shall not be given officer' home addresses or home telephone numbers. A business telephone number will be given to all informants where the officer can be reached.
- (g) Officers shall obtain a written or recorded admonishment advising the informants of his/her responsibilities while working with law enforcement. 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 to law enforcement, except as specifically directed to do so by an officer.
 - 2. They shall not use, possess, sell, or deliver any narcotics or controlled substances, except as specifically directed to do so by an officer.
 - 3. They are not a police officer and they do not have any power of arrest or other police authority.
 - 4. Officers will use all lawful means to protect their identity, but this cannot be guaranteed.
- (h) Upon request of the Prosecutor, officers will provide records of any compensation given to the informant.

607.4.2 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 officers 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.

Bremerton Police Department

Bremerton PD Policy Manual

Confidential Informants

- (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 detective or other law enforcement officer and when at all possible, of the same sex as the informant.

607.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

607.5.1 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.
- (g) The amount of assets seized.
- (h) The quantity of the drugs seized.
- (i) The level of risk taken by the informant.

607.5.2 CASH DISBURSEMENT POLICY

No money shall be paid to any informant unless the following conditions are satisfied:

- (a) A Money Transfer Voucher is signed by the informant.
- (b) Payments to informants require two officers witness and sign the receipt.
- (c) Prior approval has been obtained from the DET supervisor for any payment.

Bremerton Police Department

Bremerton PD Policy Manual

Confidential Informants

- (d) All monies paid to an informant will be recorded on a payment log in the informant file and in the officer's ledger. Monies shall not be paid to an informant in advance of services provided.

607.5.3 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.

607.6 DEACTIVATION OF INFORMANTS

Deactivation shall occur when:

- (a) The informant no longer has the potential to furnish information or services.
- (b) The informant is no longer willing to cooperate.
- (c) The informant's cooperation has been determined to be unsatisfactory.
- (d) The informant successfully meets the obligations set forth in their contract.

Informants shall be deactivated by the decision or approval of the DET 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.

Crime Scene Investigation

608.1 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 process a crime scene so as to not overlook, contaminate or destroy evidence.

608.2 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.

608.2.1 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.

608.3 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.

608.4 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.
- (b) Carefully approach the scene so as not to disturb potential evidence

Bremerton Police Department

Bremerton PD Policy Manual

Crime Scene Investigation

- (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.

608.5 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.

Eyewitness Identification

609.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

609.1.1 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.

609.2 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.

609.3 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.

609.4 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.

Bremerton Police Department

Bremerton PD Policy Manual

Eyewitness Identification

- (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.

609.5 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.

609.6 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.

Bremerton Police Department

Bremerton PD Policy Manual

Eyewitness Identification

609.7 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.

609.8 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.

Bremerton Police Department

Bremerton PD Policy Manual

Eyewitness Identification

- (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.

Temporary Assignment to Investigative Units

610.1 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.

610.2 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.

Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

611.1.1 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.

611.2 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.

611.3 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., informant or attorney-client information, attorney work product), 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.

611.4 DISCLOSURE OF REQUESTED 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

Bremerton Police Department

Bremerton PD Policy Manual

Brady Material Disclosure

officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all 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.

611.5 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).

611.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

611.7 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Support Services Division Captain or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

Bremerton Police Department

Bremerton PD Policy Manual

Brady Material Disclosure

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure (RCW 10.93.180).
- (b) Reporting to the appropriate prosecutor of any jurisdiction where an officer may testify (RCW 10.93.180):
 - 1. Any act by An officer that may be potentially exculpatory to a criminal defendant and/or misconduct that an officer engaged in that affects their credibility within 10 days of discovery of the act.
 - 2. Information about a newly hired officer with a prior potential impeachment disclosure within 10 days of hiring.
- (c) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

611.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

Operations Planning and Deconfliction

612.1 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.

612.1.1 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.

612.2 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.

612.3 RISK ASSESSMENT

612.3.1 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).

Bremerton Police Department

Bremerton PD Policy Manual

Operations Planning and Deconfliction

- (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).

612.3.2 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 division captain, or designee, 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.

612.3.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Operations Planning and Deconfliction

- (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.

612.4 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.

612.5 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

Bremerton Police Department

Bremerton PD Policy Manual

Operations Planning and Deconfliction

- (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.

612.5.1 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.

612.6 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.

Bremerton Police Department

Bremerton PD Policy Manual

Operations Planning and Deconfliction

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.

612.7 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.

612.8 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.

612.9 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.

612.10 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.

Sexual Assault Investigations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

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.

613.2 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.

613.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SAIVS or other multidisciplinary investigative teams as applicable.

613.4 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

Bremerton Police Department

Bremerton PD Policy Manual

Sexual Assault Investigations

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.

613.4.1 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).

613.4.2 VICTIM PERSONAL REPRESENTATIVE AND ADVOCATE

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, or employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

The victim may also choose to consult with a sexual assault survivor's advocate throughout the investigatory process of the case. The assigned investigator should ensure the advocate has access to the victim during the process (RCW 70.125.110).

613.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The 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.

613.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.

Bremerton Police Department

Bremerton PD Policy Manual

Sexual Assault Investigations

2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
- (a) Interviewing sexual assault victims.
 - (b) SAIVS.
 - (c) Medical and legal aspects of sexual assault investigations.
 - (d) Serial crimes investigations.
 - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - (f) Techniques for communicating with victims to minimize trauma.
 - (g) The course provided by the Washington State Criminal Justice Training Commission on investigating sexual assault and other gender-based violence cases developed pursuant to RCW 43.101.272. Qualified investigators and the General Investigations Unit supervisor should complete this course within a year of assignment.
 - (h) Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

613.7 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.

613.8 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.

Bremerton Police Department

Bremerton PD Policy Manual

Sexual Assault Investigations

613.8.1 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

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.

613.8.2 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 5.70.040):
 - 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 of 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 (RCW 5.70.030).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

613.8.3 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

613.9 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/

Bremerton Police Department

Bremerton PD Policy Manual

Sexual Assault Investigations

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.

613.10 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.

613.10.1 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.

613.11 CASE STATUS NOTIFICATION

The investigator assigned to the case should keep the victim informed of the status of the investigation in a timely manner. The victim should be informed of the expected and appropriate time frames for receiving a response to inquiries made regarding the status of the investigation (RCW 5.70.005; RCW 70.125.110).

The investigator should provide the victim with contact information for the assigned prosecutor, if available, to receive updates related to the prosecution of the case (RCW 70.125.110).

Warrant Service

614.1 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.

614.2 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.

614.3 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.

The division captain or designee will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

614.4 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).

614.5 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

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Service

residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.6 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.
 - 1. An officer shall not seek a no-knock warrant (RCW 10.31.040).
- (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).

614.7 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) Officers shall announce their presence prior to entry. The announcement will be made in a manner in which a reasonable person would be aware the officers are conducting a search warrant.
- (b) 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.

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Service

- (c) 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).
- (d) 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.
- (e) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (f) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (g) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (h) 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.
- (i) A copy of the search warrant is left at the location.
- (j) The condition of the property is documented with video recording or photographs after the search.

614.8 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.

614.9 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.

614.10 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

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Service

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
- 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 supervisor 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.

614.11 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.

614.12 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.

614.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Service

614.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

Unmanned Aerial System

615.1 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.

615.1.1 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.

615.2 POLICY

A UAS 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.

615.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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.

615.4 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, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- 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 protocols 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.

Bremerton Police Department

Bremerton PD Policy Manual

Unmanned Aerial System

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols 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 operational protocols 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.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

615.5 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 consistent with FAA regulations.

615.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

Bremerton Police Department

Bremerton PD Policy Manual

Unmanned Aerial System

- 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.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

615.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Forensic Genetic Genealogy

616.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

616.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

616.2 POLICY

The Bremerton Police Department's use of FGG will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to

Bremerton Police Department

Bremerton PD Policy Manual

Forensic Genetic Genealogy

maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

616.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

- (a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
 - 1. The perpetrator of an unsolved violent felony.
 - 2. The unidentified human remains of a suspected homicide victim.
- (b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
- (c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

616.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

616.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

Bremerton Police Department

Bremerton PD Policy Manual

Forensic Genetic Genealogy

genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

616.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

- (a) Eliminate an individual as a potential suspect in the case.
- (b) Link an individual to the case as a potential suspect.
- (c) Identify human remains.

616.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

616.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

Bremerton Police Department

Bremerton PD Policy Manual

Forensic Genetic Genealogy

- (a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
- (b) If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

616.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

616.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the property and evidence technician and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

Chapter 7 - Equipment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Department Owned and Personal Property

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.

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. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, 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.

Bremerton Police Department

Bremerton PD Policy Manual

Personal Communication Devices

- (d) Any loss or damage to the device is the full responsibility of the employee.

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

Bremerton Police Department

Bremerton PD Policy Manual

Personal Communication Devices

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Personal Communication Devices

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 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.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Maintenance

- 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 § 311 - Patrol Rifle section of the Firearms Policy).

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

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Maintenance

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.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Bremerton to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

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

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.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Use

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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.

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Use

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Use

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.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Vehicle Use

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.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Personal Protective Equipment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Personal Protective Equipment

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Personal Protective Equipment

- (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.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Personal Protective Equipment

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (WAC 296-842-16005).

Chapter 8 - Support Services

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.

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.

804.1.1 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.

804.2 POLICY

It is the policy of the Bremerton Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

- (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).
- (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.
- (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 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9A.10.020 (Surrender of weapons), the Extreme Risk Protection Order Act, after being detained under RCW 71.05.150 or RCW 71.05.153, or after sentencing pursuant to RCW 10.99.100. 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.

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

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 7.105.340).

The property and evidence technician shall handle and store firearms surrendered pursuant to a civil protection order to prevent damage or degradation in appearance or function and document the condition of the surrendered firearms including by taking a digital photograph (RCW 7.105.340).

804.3.3 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 and evidence technicians 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 and evidence technicians 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 and evidence technicians. This request may be made any time after submitting the property.

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 and evidence technicians 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

The Bremerton Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

no longer needed as evidence. In such cases, the property and evidence technician shall make a reasonable attempt to identify the lawful owner and provide written notice via US Mail within 15 days after the lawful owner is identified the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law (RCW 63.32.030);RCW 63.40.030).
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).
- (c) Destroy an item of personal property at the discretion of the Chief of Police if the Chief of Police determines that all of the following circumstances have occurred:
 - 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property;
 - 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section;
 - 3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020 or RCW 63.40.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for the purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if the Chief of Police believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010; RCW 63.40.010).

The property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the property record

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

card will remain with the Property and Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

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.170). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

If an officer becomes aware that material depicting a minor engaged in sexually explicit conduct is inadvertently captured on BWC or otherwise uploaded to AXON, they shall immediately restrict it and advise the GIU supervisor. The GIU supervisor will ensure the following:

- (a) The material is converted to a secure storage device which is placed into evidence,
- (b) The material is deleted from AXON, and
- (c) A supplemental report documenting these actions is completed.

804.4.7 DESTRUCTION OF NARCOTICS OR CONTRABAND

The Support Services Captain or the authorized designee shall establish procedures for the safe destruction of narcotics and dangerous drugs, contraband, and other illegal items. Documentation of destruction shall be maintained in accordance with the established records retention schedule.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

- (d) Five business days have elapsed from the time the firearm was obtained by law enforcement

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 7.105.345):

- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that the individual agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.105.340).

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

Upon written request from the victim of a sexual assault, the Department shall (RCW 70.125.110):

- (a) Provide written notification at least 60 days prior to the destruction or disposal of a sexual assault kit.
- (b) Preserve a sexual assault kit or its contents without charge.

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (RCW 5.70.030).

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

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).

804.5.8 NOTIFICATION FOR FIREARM RETURN

If notification has been requested or is required pursuant to RCW 9.41.340, it shall be made to the following individuals by established department protocols within one business day of verification that the firearm is eligible to be returned (RCW 9.41.340):

- (a) To a family or household member, or an intimate partner who has requested notification.
- (b) To any person identified in a no-contact order, restraining order, protection order, or any identified victim of the crime that resulted in the firearm surrender.

Once notification is made, the firearm shall be held for five business days from the time notification has been provided or the information has been entered into the appropriate databases (RCW 9.41.345).

804.5.9 REPORT OF CLEARED PROPERTY

The property and evidence technician shall provide an annual written report to the Chief of Police on the number of items cleared (e.g., released, returned, disposed of, otherwise removed from the control of the Property and Evidence Room) during the prior year.

804.5.10 DISPOSITION OF FIREARMS FROM BUYBACK PROGRAMS

The General Investigations Division Captain should develop procedures for the department's handling of firearms obtained from a firearm buyback program, including, at a minimum (RCW 9.41.098):

- (a) Destroying firearms, except as limited by RCW 9.41.098.
- (b) Returning relinquished firearms that are verified to be stolen to the rightful owner.
- (c) Determining whether any relinquished firearms have been used in the commission of a crime and retaining and storing such firearms until no longer needed for investigation or evidence purposes.

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 property and evidence to ensure adherence to appropriate policies and procedures. The inspections 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.

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

- (d) Proper accountability procedures are being maintained.
- (e) Property having no further evidentiary value is being disposed of promptly.

On an annual basis, the Chief of Police or designee will arrange for an unannounced audit of property and evidence, including drugs, money, jewelry, and firearms. The audit will be conducted by a person not routinely or directly connected with evidence control. 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Property and Evidence

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.

804.7 STATE CRIME LAB GUIDELINES

In addition to the content outlined in this policy, the Department shall follow the Washington State Patrol Crime Lab guidelines for the proper collection and identification of evidence and property.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Animal Control

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Animal Control

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).

Records Unit

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Bremerton Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Bremerton Police Department to maintain department records securely, professionally, and efficiently.

806.3 RESPONSIBILITIES

806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Support Services Division Captain or the authorized designee. The responsibilities of the Records Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Unit.
- (b) Scheduling and maintaining Records Unit time records.
- (c) Supervising, training, and evaluating Records Unit staff.
- (d) Maintaining and updating a Records Unit procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 - 1. Homicides
 - 2. Cases involving department members or public officials
 - 3. Any case where restricted access is prudent

806.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.

Bremerton Police Department

Bremerton PD Policy Manual

Records Unit

- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
 - 1. Officer suicides
 - 2. Officer misconduct
 - 3. Uses of force
 - 4. Officer deaths or assaults
 - 5. Crime incidents
 - 6. Deaths in custody
- (h) Providing UCR/NIBRS reports to the Washington Association of Sheriffs and Police Chiefs on a regular basis.
- (i) Entering the required information, to the extent known, in the National Crime Information Center (NCIC) database for any report of a lost or stolen firearm (Chapter 286, § 1, 2024 Laws).

806.4 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.

806.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to

Bremerton Police Department

Bremerton PD Policy Manual

Records Unit

the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

806.4.2 RECORDS CONCERNING JUVENILES

The Records Supervisor shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable from adult files:

- Photos
- Fingerprints
- Booking information
- Any report in which a juvenile is named as a suspect in a crime.

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.

806.5 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.

806.5.1 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.

806.5.2 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

Bremerton Police Department

Bremerton PD Policy Manual

Records Unit

It is the responsibility of the Records Supervisor to ensure that all ACCESS computer and network security requirements are in place and operational.

806.5.3 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.

806.6 OFFICER SAFETY ADVISORIES

A Violent Person File (VPF) database is maintained by the 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 ACCESS 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 (ACCESS Operations Manual Chapter 33-3 II, C):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest, or any such statute 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 the 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 the authorized designee.

Once approved, the Records Unit is responsible for making the appropriate entry into ACCESS.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Records Unit

806.7 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.

806.8 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).

The Records Supervisor should ensure that court orders for the surrender and prohibition of weapons and the revocation of any concealed pistol license are immediately entered into the appropriate databases (RCW 9.41.800).

806.9 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Records Maintenance and Release

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).

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. See the Bremerton Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Bremerton Police Department

Bremerton PD Policy Manual

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. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Protected Information

812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (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 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents they receive.

812.8 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.

812.9 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).

Bremerton Police Department

Bremerton PD Policy Manual

Protected Information

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.

812.10 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).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Computers and Digital Evidence

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.

Bremerton Police Department

Bremerton PD Policy Manual

Computers and Digital Evidence

- (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 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 EVIDENCE

Digital evidence recorded by officers will be uploaded via the Axon Capture application as prescribed in the Bremerton Police Department's evidence manual prior to the officer going off duty.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Computers and Digital Evidence

- (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.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Unit

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Unit

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Warrant Unit

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.

CJIS Access, Maintenance, and Security

823.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

823.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

823.2 POLICY

It is the policy of the Bremerton Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

823.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Bremerton Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

823.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Washington State Patrol Criminal Records Division.
- (b) Managing member accounts with access to CJI, including:
 - 1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
 - 2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
 - 3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

Bremerton Police Department

Bremerton PD Policy Manual

CJIS Access, Maintenance, and Security

- (c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
 - 1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
 - 2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
 - 3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
 - 4. Maintaining records for all system maintenance and diagnostic activities.
- (d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
- (e) Providing for the security of hardware that includes provisions for the following:
 - 1. How hardware is to be brought into and taken out of department facilities
 - 2. Physical security of hardware within department facilities
 - 3. Physical security of areas containing network connections and transmission lines, including monitored access
- (f) Implementing and carrying out the department Incident Response Plan, including:
 - 1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
 - 2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
 - 3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
 - 4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
- (g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.
- (i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

Bremerton Police Department

Bremerton PD Policy Manual

CJIS Access, Maintenance, and Security

- (j) Managing the development, documentation, and dissemination of procedures for the following:
 - 1. Awareness and training
 - 2. Incident response
 - 3. Audit and accountability
 - 4. Access control
 - 5. Identification and authentication
 - 6. Configuration management
 - 7. Media protection
 - 8. Physical and environmental protection
 - 9. System and communications protection
 - 10. System and information integrity
 - 11. Maintenance
 - 12. Security and privacy planning
 - 13. Contingency planning
 - 14. Risk assessment
- (k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

823.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

823.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

823.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

Bremerton Police Department

Bremerton PD Policy Manual

CJIS Access, Maintenance, and Security

- (a) The account has expired.
- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

823.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- (a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
- (b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- (c) Non-privileged members shall not be allowed to execute privileged functions.

823.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

823.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

823.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to

Bremerton Police Department

Bremerton PD Policy Manual

CJIS Access, Maintenance, and Security

overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

823.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

- (a) Flaw remediation.
- (b) System monitoring.
- (c) Security alerts, advisories, and directives.
- (d) Software, firmware, and information integrity controls.
- (e) Spam protection.

823.9 INCIDENT RESPONSE PLAN

See attachment: [Incident Response.pdf](#)

823.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

823.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

Chapter 9 - Custody

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.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

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 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.

Bremerton Police Department

Bremerton PD Policy Manual

Custodial Searches

901.4 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).

901.4.1 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

Bremerton Police Department

Bremerton PD Policy Manual

Custodial Searches

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 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).

Bremerton Police Department

Bremerton PD Policy Manual

Custodial Searches

901.4.2 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.

901.4.3 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).

901.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including (RCW 10.79.080):
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift Sergeant's approval.

Bremerton Police Department

Bremerton PD Policy Manual

Custodial Searches

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).

901.6 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.7 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Bremerton Police Department

Bremerton PD Policy Manual

Custodial Searches

901.8 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.

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:

- (a) Active warrant for any felony.

Bremerton Police Department

Bremerton PD Policy Manual

Electronic Monitoring / Home Detention

- (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.
- (g) Have a telephone.

Bremerton Police Department

Bremerton PD Policy Manual

Electronic Monitoring / Home Detention

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Electronic Monitoring / Home Detention

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.

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.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody 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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

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 Emergency 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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

- (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 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

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).

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

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.
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

- (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).
- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

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.

906.5.8 NONDISCRIMINATION

The Bremerton Police Department shall not deny services, benefits, privileges, or opportunities to individuals in custody on the basis of national origin, citizenship, or immigration status, or on the basis of the existence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law (RCW 49.60.030; RCW 10.93.160).

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

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, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, 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

The Operations Division Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Bremerton Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Sergeant, Chief of Police and General Investigations Division Captain.
- (c) Notification of the spouse, next of kin or other appropriate person.

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Custody of Adults

- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

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 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 the individual is being sent to another facility.
- (h) 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 the person's personal needs as reasonable.

906.11 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Transporting Persons in Custody

907.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Bremerton Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

907.2 POLICY

It is the policy of the Bremerton Police Department to provide safe, secure, and humane transportation for all persons in custody.

907.3 OPERATIONS DIVISION CAPTAIN RESPONSIBILITIES

The Operations Division Captain should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

907.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.
- (c) Provide Kitsap 911 with any required notifications (e.g., start time, mileage, end time).
- (d) Properly secure all property.
- (e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio Video and Body-Worn Cameras policies for additional guidance).
- (f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

Bremerton Police Department

Bremerton PD Policy Manual

Transporting Persons in Custody

- (h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
 - 1. Individuals in auxiliary restraints.
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.
- (i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- (j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

907.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

- (a) Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should generally not be transported together.
- (b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

907.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

907.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

Bremerton Police Department

Bremerton PD Policy Manual

Transporting Persons in Custody

907.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

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 Shift Sergeant.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

907.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

907.10 EMERGENCY DETENTION TRANSPORTS

When transporting any individual for an emergency detention, the transporting officer should request that 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.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, notification should be made as soon as practicable to the Shift Sergeant.

See the Emergency Detentions Policy for additional guidance.

907.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Kitsap 911 and request an appropriate response.

907.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody

Bremerton Police Department

Bremerton PD Policy Manual

Transporting Persons in Custody

person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

907.13 PROHIBITIONS

When transporting a person in custody, officers should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

907.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise Kitsap 911 and other units of the escape, provide a description of the escapee, notify the Shift Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Sergeant should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Bremerton Police Department, the Shift Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

907.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

907.16 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

Bremerton Police Department

Bremerton PD Policy Manual

Transporting Persons in Custody

907.17 TRAINING

The Operations Lieutenant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 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.

1000.2 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 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.

1000.3 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 strategy should include:

- (a) Use of marketing strategies to target diverse applicant pools.
- (b) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (c) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (d) Employee referral and recruitment incentive programs.

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 their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department

Bremerton Police Department

Bremerton PD Policy Manual

Recruitment and Selection

should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).
- (b) Driving record.
- (c) Reference checks.
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites.
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).
- (g) Local, state, and federal criminal history record checks.
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040).
- (i) Medical examination, to include a drug screening, and psychological examination (may only be given after a conditional offer of employment).
- (j) Review board or selection committee assessment.

1000.4.1 VETERAN PREFERENCE

The Department will provide veteran preference percentages as required (RCW 41.04.010).

1000.5 DUTY TO REPORT DISQUALIFYING INFORMATION

Employees have the duty to report to the command staff any known information which would serve to disqualify candidates.

1000.6 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their 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; WAC 139-07-020).

1000.6.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

Bremerton Police Department

Bremerton PD Policy Manual

Recruitment and Selection

1000.6.2 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.

1000.6.3 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.

1000.6.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6.5 BACKGROUND CERTIFICATION

Upon completion of the background investigation of a candidate who has received a conditional offer of employment with the Bremerton Police Department, the Support Services Lieutenant shall certify to the Criminal Justice Training Commission (CJTC) that the background check has been completed and there was no information found that would disqualify the candidate from certification, and that the candidate is suitable for employment as an officer (RCW 43.101.095).

1000.7 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

Bremerton Police Department

Bremerton PD Policy Manual

Recruitment and Selection

- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.8 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.

1000.8.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the CJTC (RCW 43.101.095):

- (a) Be eligible for CJTC certification
- (b) Submit to a psychological evaluation conducted by a licensed psychologist or psychiatrist
- (c) Submit to a polygraph examination conducted by a qualified technician
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense
- (f) Be eligible to work under federal law as a U.S. citizen, lawful permanent resident, or Deferred Action for Childhood Arrivals (DACA) recipient

1000.9 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.

Bremerton Police Department

Bremerton PD Policy Manual

Recruitment and Selection

- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

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 system to measure performance and to use as a factor in making personnel decisions that relate to, promotion, reassignment, discipline, demotion, and termination. The performance evaluation is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The 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 actual or perceived race, color 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.

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

Performance 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 sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment. 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.

Bremerton Police Department

Bremerton PD Policy Manual

Evaluation of Employees

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.

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 EXTENDED ABSENCES

In the event of extended military leave, medical leave, or other extended absences, supervisors should note the dates of the absences in a performance evaluation and indicate no observations of the employee's work performance occurred during that timeframe.

1002.7 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.

1002.8 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.

Bremerton Police Department

Bremerton PD Policy Manual

Evaluation of Employees

1002.8.1 CONTESTED EVALUATIONS

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so as prescribed under Civil Service Rules.

1002.9 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.

1002.10 REMEDIAL TRAINING

When an employee fails to perform a job function at the level prescribed in this policy manual, 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.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Performance Improvement Plan (PIP):
 - 1. The remedial training being provided.
 - 2. The timeline for providing the training.
 - 3. The timeline for evaluating the employee's subsequent performance.
 - 4. The consequences if the employee fails to perform.
 - 5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
- (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure. The remedial training process is for use with all employees. It is not limited to use with probationary employees.

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) Directed Enforcement Team
- (c) Traffic Officer
- (d) Canine Officer
- (e) 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.
- (h) S.W.A.T.

Bremerton Police Department

Bremerton PD Policy Manual

Unit Selection, Promotions and Transfers

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 ineligibility 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.

Bremerton Police Department

Bremerton PD Policy Manual

Unit Selection, Promotions and Transfers

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Anti-Retaliation

1008.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING

An officer shall not be retaliated against in any way for intervening or reporting in good faith any wrongdoing by another law enforcement officer. Wrongdoing means conduct that is contrary to law or policies of this department (RCW 10.93.190).

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.

Bremerton Police Department

Bremerton PD Policy Manual

Anti-Retaliation

- (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.

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 Support Services Captain 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.

Reporting of Arrests, Convictions, and Court Orders

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Bremerton Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm (RCW 43.101.135).

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; RCW 9.41.040; RCW 9.41.801).

All members and retired officers with identification cards issued by the Department 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

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 detention, arrest, charge, plea, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is 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 immediately notify their supervisors (retired officers should immediately notify the Shift Sergeant or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Criminal Justice Training Commission (CJTC) certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Bremerton Police Department

Bremerton PD Policy Manual

Reporting of Arrests, Convictions, and Court Orders

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1010.3.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION

The Support Services Division Captain shall ensure that notification has been made to CJTC within 15 days of learning that an officer has been charged with a crime (RCW 43.101.135).

1010.4 POLICY

The Bremerton Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department

1010.5 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Washington law prohibits the possession of a firearm under the provisions of RCW 9.41.040 (unlawful possession of firearms).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

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 (41 USC § 8103).

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.

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 the member 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, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use 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 the member's 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 the member's abilities, without a written release from the member's physician.

1012.3.2 MARIJUANA

Although marijuana is legal in the State of Washington, it remains unlawful at the federal level, and is strictly prohibited by Department policy. Both on-duty and off-duty marijuana use by employees, whether recreational or medicinal, is strictly prohibited at all times. In addition, marijuana is strictly prohibited on the City's premises or facilities, including Department-issued vehicles. Employees reasonably suspected of marijuana usage or impairment while on-duty are subject to the immediate suspension of duties, drug-testing, and disciplinary action.

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

Bremerton Police Department

Bremerton PD Policy Manual

Drug- and Alcohol-Free Workplace

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.

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 be 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.

Bremerton Police Department

Bremerton PD Policy Manual

Drug- and Alcohol-Free Workplace

1012.7 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 RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (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 the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's 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.

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 50A.05.005 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 within one hour before the start of their scheduled shifts, unless it is not practicable to do so. If it is impracticable and 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.

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;

Bremerton Police Department

Bremerton PD Policy Manual

Sick Leave

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 PERSONNEL AGENCY

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 296-128-755.
- (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).

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.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Communicable Diseases

- (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) Ensuring department members be provided with appropriate personal protective equipment (PPE), including latex gloves or equivalent, eye protection, and protective shoe covers to minimize the risk of exposure.
- (d) Coordinating Department training with the Risk Management Specialist to include maintaining an up-to-date list of police personnel requiring training.
- (e) 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.
 - (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.

Bremerton Police Department

Bremerton PD Policy Manual

Communicable Diseases

- (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)

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).

Bremerton Police Department

Bremerton PD Policy Manual

Communicable Diseases

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Communicable Diseases

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.

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 products 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.

Bremerton Police Department

Bremerton PD Policy Manual

Smoking and Tobacco Use

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).

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 Department and 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 complaints:** 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.
- (c) **Office of Professional Standards (OPS):** Entity within the Department responsible for receiving and investigating allegations of misconduct.

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 and OPS 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.

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Complaints

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.

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. The supervisor should attach the citizen complaint form, if available, and any relevant documentation and forward the form to OPS.

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 OPS.

1020.3 RESPONSIBILITIES

1020.3.1 SUPERVISOR RESPONSIBILITIES

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 and forwarding the complaint to OPS. Additional inquiries will be made by OPS 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 OPS and 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 OPS RESPONSIBILITIES

Complaints and internal investigations are handled by OPS. OPS will:

- (a) Receive all complaints.
- (b) In consultation with the Support Services Captain and Chief of Police, determine the type of investigation required and who will investigate the allegations.

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Complaints

- (c) Oversee investigations and maintain a log of in-progress and completed investigations.

1020.3.3 SUPPORT SERVICES CAPTAIN RESPONSIBILITIES

Complaints and internal investigations are handled by OPS and managed by the Support Services Captain. The Support Services Captain shall report directly to the Chief of Police. The Support Services Captain will:

- (a) Maintain regular communication with OPS.
- (b) Review all internal investigations for completeness.
- (c) Present the results to the Chief of Police.
- (d) Review all records related to complaints and internal investigations.
- (e) Notify CJTC of qualifying complaints in accordance with WAC 139-06-020.
- (f) Notify the Prosecutor's Office of potential officer credibility issues.

1020.3.4 ASSIGNMENT OF COMPLAINT INVESTIGATION

Once a complaint is received by OPS, it will be reviewed, logged and assigned for investigation. If the complaint is relatively minor and OPS determines that, if sustained, would not result in discipline, the complaint may be remanded to the employee's supervisor for corrective action. This may occur for first time incidents of minor misconduct or minor policy violations. The supervisor will then document the corrective action on an approved form and OPS will close and file the complaint.

1020.3.5 INTERNAL INVESTIGATIONS

Serious allegations should be investigated through an internal investigation. These allegations include, but are not limited to:

- (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.

The Chief of Police may request an outside agency or investigator examine allegations of criminal conduct or in instances where a conflict of interest exists. The Support Services Captain will act as a liaison with the investigating body.

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.

An employee placed on administrative leave:

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Complaints

- (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.
- (d) May be required to be available during their normal work schedule to respond by telephone within two hours.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

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 act as 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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Complaints

- (c) Information developed from administratively compelled statements of an accused employee cannot be used against that employee in a 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 OPS and 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 OPS and 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.

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 or outside entity if applicable.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Complaints

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) 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, exonerated, or not sustained.
- (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, OPS 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, OPS personnel, 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.

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Complaints

1020.8.2 INVESTIGATION FILES AND LOGS

The following files and records are to be maintained by OPS and periodically reviewed 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.

1020.10 ANNUAL REVIEW AND ANALYSIS

The Support Services Captain shall prepare an annual review and analysis report on internal investigations. The report should not contain any identifying information about any specific complaint, citizen, or officer and should address:

- (a) Policy and procedure issues identified during the review process, if any.
- (b) Training issues identified during the review process, if any.
- (c) Personnel issues identified during the review process, if any.

The report shall be submitted to and reviewed and approved by the Chief of Police.

Corrective Action and 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 corrective action, 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 CORRECTIVE ACTION

Supervisors should address and attempt to correct minor work performance or behavioral problems at the time the deficiency is observed. The goal is to immediately improve and/or modify poor performance. Corrective action may be taken by any supervisor or manager with a subordinate. Corrective action does not constitute discipline and does not preclude a subsequent administrative investigation of the underlying issue and imposition of formal discipline.

Corrective action options include:

1021.3.1 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.

Bremerton Police Department

Bremerton PD Policy Manual

Corrective Action and Discipline

1021.3.2 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.

1021.3.3 VERBAL REPRIMAND

Verbal reprimands may be issued to a subordinate by a supervisor, up to and including the Chief of Police.

1021.3.4 DOCUMENTATION

Supervisors shall document corrective action taken with a subordinate. The documentation shall summarize the corrective action(s) taken, describe the poor performance or behavioral problem, establish expectations and set forth a timeline for improvement.

1021.4 FORMAL DISCIPLINE

In cases involving serious violations, or where corrective action has been unsuccessful, formal discipline may be used to correct an employee's poor performance or behavioral problems. Formal discipline requires due process, may only be imposed by the Chief and is governed by the City of Bremerton's Civil Service Rules. Formal discipline includes the following:

- (a) Letter of Reprimand.
- (b) Loss of vacation.
- (c) Suspension without pay.
- (d) Reduction in step.
- (e) Demotion
- (f) Termination.

1021.5 FORMAL DISCIPLINE PROCESS

1021.5.1 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.

Bremerton Police Department

Bremerton PD Policy Manual

Corrective Action and Discipline

1021.5.2 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.

1021.5.3 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.

1021.5.4 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.

1021.5.5 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 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.

1021.6 DOCUMENTATION AND RETENTION

The Support Services Captain or designee will ensure documentation of personnel records including, but not limited to corrective and disciplinary action be retained in accordance with RCW 40.14.070 and the Washington State Public Records Act - RCW 42.56. Additionally, all documents related to imposed formal discipline shall be forwarded to the Civil Service Officer and Human Resources.

Bremerton Police Department

Bremerton PD Policy Manual

Corrective Action and Discipline

1021.7 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.

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.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Seat Belts

1022.5 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.

1022.6 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.

1022.7 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.

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. The only exception is when approved by a supervisor and the officer is assigned primarily in an administrative or support capacity.
- (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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Body Armor

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.

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.
- (g) Pre-employment files, including background information, medical, psychological and polygraph results, will be maintained by Human Resources.

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Records

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

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.

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Records

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 THEIR OWN PERSONNEL RECORDS

Any member may request access to their own personnel records annually during the normal business hours of those responsible for maintaining such files. The Department shall provide a copy of the record to the member no later than 21 calendar days after the request (RCW 49.12.240; RCW 49.12.250).

A member may annually request that all information contained in their personnel file subject to disclosure be reviewed by the Department for any irrelevant or erroneous information. Any member seeking the removal of any item from their personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request

Bremerton Police Department

Bremerton PD Policy Manual

Personnel Records

and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing the following:

- (a) Records of an employee relating to the investigation of a possible criminal offense (RCW 49.12.260)
- (b) Records of an employee compiled in preparation for an impending lawsuit which would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 49.12.260)
- (c) Records relating to an ongoing internal affairs investigation or disciplinary action to the extent that release could jeopardize or compromise the investigation or action pending final disposition (RCW 49.12.240(2))

Commendations and Awards

1029.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Bremerton Police Department.

1029.2 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.

1029.3 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.

1029.4 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.

1029.5 AWARD DESCRIPTIONS AND CRITERIA

1029.5.1 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.

1029.5.2 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.

1029.5.3 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.

1029.5.4 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

Bremerton Police Department

Bremerton PD Policy Manual

Commendations and Awards

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.

1029.5.5 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.

1029.5.5 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.

1029.6 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.

Fitness for Duty

1031.1 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.

1031.2 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.

1031.3 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.

1031.4 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.

Meal Periods and Breaks

1033.1 PURPOSE AND SCOPE

This policy provides procedures governing meals and breaks.

1033.1.1 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.

1033.1.2 15 MINUTE BREAKS

Each employee is entitled to two 15 minute coffee breaks each day.

Lactation Breaks

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1035.2 POLICY

It is the policy of the Bremerton Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to two years after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; RCW 43.10.005).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Bremerton Police Department

Bremerton PD Policy Manual

Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Overtime

- (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.

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.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Outside & Off-Duty Employment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Outside & Off-Duty Employment

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Outside & Off-Duty Employment

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.

Bremerton Police Department

Bremerton PD Policy Manual

Outside & Off-Duty Employment

- (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.

Bremerton Police Department

Bremerton PD Policy Manual

Outside & Off-Duty Employment

- (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:

Bremerton Police Department

Bremerton PD Policy Manual

Outside & Off-Duty Employment

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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Occupational Disease and Work-Related Injury Reporting

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.

Bremerton Police Department

Bremerton PD Policy Manual

Occupational Disease and Work-Related Injury Reporting

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.

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 FACIAL HAIR

1. A neatly groomed mustache is acceptable but shall not extend below the corners of the mouth and trimmed so that both lips are visible.
2. The growth of a solo mustache shall not exceed one-half inch in depth and not appear bushy. The ends may not be waxed or twisted.
3. A goatee is defined as a small chin beard connected to a mustache and neatly trimmed. The growth of the goatee may not extend more than one inch below the bottom of the chin.
4. The goatee and the mustache must follow the natural arch of the mouth.
5. The beard shall be worn with a mustache.
6. The growth of the beard shall not be thicker than one-half inch; trimmed along the neck and throat, and along the cheekbones.
7. Members who are required to use a respirator/mask in the course of their duties shall be clean shaven where the respirator seals the face as per the city's Respirator Program fit testing protocol.
8. The beard/goatee shall be modified to accommodate department equipment when operationally required.
9. Supervisors will not attempt to measure an employee's facial hair but will use their best judgment and discretion to ensure the employee maintains a professional appearance. Accepting that the supervisor is acting on good faith, employees will comply with a supervisor's order to alter their facial hair to meet policy.

Bremerton Police Department

Bremerton PD Policy Manual

Personal Appearance Standards

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 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.

1044.2.5 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.

- (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.

1044.2.6 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.

1044.2.7 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

Bremerton Police Department

Bremerton PD Policy Manual

Personal Appearance Standards

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.

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.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Bremerton Police Department is established to ensure that uniformed officers will be reasonably identifiable to the public through the proper use and wearing of department uniforms (RCW 10.116.050).

Employees should also refer to the following associated policies:

- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1046.1.1 DEFINITIONS

Reasonably identifiable – The officer's uniform clearly displays the officer's name or other information that members of the public can see and the department can use to identify the officer (RCW 10.116.050).

1046.2 POLICY

The Bremerton Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1046.3 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

Bremerton Police Department

Bremerton PD Policy Manual

Uniform Regulations

- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit in a non-city-owned vehicle, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Chief of Police or his/her designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1046.3.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on duty.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Captain.

1046.3.2 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.
 - 1. Exterior vest carriers with "Molle" gear attachments are acceptable, in place of or in addition to, a duty belt.
- (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:

Bremerton Police Department

Bremerton PD Policy Manual

Uniform Regulations

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).
 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 knife and/or fixed blade knife, 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.

1046.3.3 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 turtleneck shirt may be worn with the open collared long-sleeved 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.

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

Bremerton Police Department

Bremerton PD Policy Manual

Uniform Regulations

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.

1046.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **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) **The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.**
- (e) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**
- (f) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (g) **Flag Pin** - A red, white, and blue American flag pin may be worn, centered above the nameplate.
- (h) **Badge** – The department-issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (i) **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. Sergeant

Bremerton Police Department

Bremerton PD Policy Manual

Uniform Regulations

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. Command Bar insignias are worn on the collar.

1046.4.1 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) A Washington State Law Enforcement officer - From the time of death until midnight on the day of the funeral.
- (b) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (c) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (d) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

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 workday. 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.

Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

No item of civilian attire may be worn on duty that would adversely affect the reputation of the Bremerton Police Department or the morale of the employees.

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.

Bremerton Police Department

Bremerton PD Policy Manual

Uniform Regulations

1046.6 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, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department-issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department-Owned and Personal Property Policy).

1046.8 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.

Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Bremerton Police Department

Bremerton PD Policy Manual

Nepotism and Conflicting Relationships

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.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Bremerton Police Department

Bremerton PD Policy Manual

Nepotism and Conflicting Relationships

1050.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Domestic Violence Involving Law Enforcement Employees

1052.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

1052.1.1 DEFINITIONS

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

Employee - Means any person currently employed with an agency.

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

1052.2 DEPARTMENT RESPONSIBILITIES

The Bremerton Police Department has the following obligations (RCW 10.99.030; RCW 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 has been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to 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 a sworn employee must immediately report that allegation to the employee's supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.
- (h) Provide information on this domestic violence policy and programs under RCW 43.20A.735 to employees and make it available to employee families and the public.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

- (i) Provide victims of domestic violence by Bremerton Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by 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 violence at the hands of sworn 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.

1052.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

1052.2.2 COMMAND 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 Bremerton Police Department employee is involved, the command officer shall:
 - 1. Determine if the involved employee's law enforcement powers shall be suspended and if a duty weapon and other department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
 - 2. Issue an administrative order prohibiting contact with the victim if appropriate.
 - 3. Forwarded information on the incident to the Support Services Captain and/or the Chief of Police for review and further action.
 - 4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

- (b) If an employee of another law enforcement agency is involved, the command officer shall:
 - 1. Verify command notification of the employing agency.
 - 2. Verify the supervisor has offered assistance with removing weapons, police powers, or other applicable issues.
 - 3. Ensure that the Bremerton Police Department provides appropriate reports and any other requested documentation to the employing agency.

1052.2.3 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 sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this Department, the 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.

1052.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Support Services Captain

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

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 but only as requested by a supervisor, the Support Services Captain, or by court subpoena. 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 the employee's 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 7.105.100 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to the employee's supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

1052.4 INCIDENT RESPONSE

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation, and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (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.

1052.4.1 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.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

1052.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
 - 1. Photographs of the crime scene and any injuries identified.
 - 2. Statements from all witnesses, including children, if any.
 - 3. The Domestic Violence Supplemental Report Form.
 - 4. Seizure of any weapons used or referred to in the crime.
 - 5. Signed medical releases.
 - 6. Copies of dispatch (CAD) records.
 - 7. 9-1-1 call recording preserved.
 - 8. Statement of the victim; statement of the suspect.
 - 9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
 - 10. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third-party accounts of incidents, unexplained property damage, or other troubling events involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

1052.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this Department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the 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.

Bremerton Police Department

Bremerton PD Policy Manual

Domestic Violence Involving Law Enforcement Employees

- (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.

1052.5 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 the victim's home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The 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.

Department Badges

1054.1 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.

1054.2 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.

1054.2.1 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.

1054.2.2 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.

1054.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Department Badges

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the 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.

Temporary Modified-Duty Assignments

1056.1 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 or limitation that is protected under federal or state law.

1056.2 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.

1056.3 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.

1056.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Modified-Duty Assignments

- (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.

1056.5 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.

1056.5.1 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.

1056.5.2 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:

Bremerton Police Department

Bremerton PD Policy Manual

Temporary Modified-Duty Assignments

- (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.

1056.6 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.

1056.7 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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; RCW 43.10.005.).

1056.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a Fitness 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.

1056.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1056.9 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 who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Speech, Expression, and Social Networking

1060.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Bremerton Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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 a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1060.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Bremerton Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1060.3 SAFETY

Members should carefully consider 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 Bremerton Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. 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 department member.

Bremerton Police Department

Bremerton PD Policy Manual

Speech, Expression, and Social Networking

- Otherwise disclosing where another officer can be located off-duty.

1060.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Bremerton Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation 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 member as a witness. For example, posting to a website statements or expressions 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 members of the Department (e.g., 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 members by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment 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.
- (g) Posting, transmitting, or disseminating any photographs, digital media 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.

Bremerton Police Department

Bremerton PD Policy Manual

Speech, Expression, and Social Networking

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1060.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Bremerton Police Department or identify themselves in any way that could be reasonably perceived as representing the 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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Bremerton Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1060.5 PRIVACY EXPECTATION

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.

Bremerton Police Department

Bremerton PD Policy Manual

Speech, Expression, and Social Networking

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).

1060.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the 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 their 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.

Accident, Illness and Injury Prevention

1061.1 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.

1061.2 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.

1061.3 ACCIDENT PROGRAM

The City of Bremerton administers an Accident Prevention Program detailed in the Accident Prevention Manual found on the City's internal website.

1061.3.1 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.

1061.4 RESPONSIBILITIES

Supervisors 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:

- (a) New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.

Bremerton Police Department

Bremerton PD Policy Manual

Accident, Illness and Injury Prevention

- (b) New, previously unidentified hazards are recognized.
- (c) Occupational accidents, illnesses and injuries occur.
- (d) Workplace conditions warrant an inspection.

1061.5 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.

1061.6 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.

1061.6.1 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.

1061.7 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.

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:

Bremerton Police Department

Bremerton PD Policy Manual

Accident, Illness and Injury Prevention

- (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.

1061.8 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.

1061.8.1 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.

1061.9 RECORDS

Records and training documentation relating to accident, illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Death or Serious Injury

1062.1 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 for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1062.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

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.

1062.2 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.

1062.3 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.

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) A member of the Command Staff should ensure notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Command Staff member or the authorized 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 Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison 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.

1062.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Sergeant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care 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 Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' 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.

1062.4.1 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.

1062.5 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.

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors 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, 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.

1062.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1062.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Captain or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1062.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) 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.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Bremerton Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) 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.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1062.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Captain. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1062.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison 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 wellness support 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) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1062.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

- (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.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1062.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Bremerton Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the [agencyHead] should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1062.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. 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)

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1062.6.8 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.

1062.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1062.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1062.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Bremerton Police Department

Bremerton PD Policy Manual

Line-of-Duty Death or Serious Injury

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.

1062.10 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.

1062.11 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.

1062.12 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.

Wellness Program

1063.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for Department members. The wellness program, incorporating the City of Bremerton's Employee Assistance Program (EAP) and Department's Peer Support Program, is intended to be a holistic approach to a member's well-being which encompasses physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the following policies:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.
- Domestic Violence Involving Law Enforcement Policy.
- Sick Leave Policy.

1063.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peer counselors trained to help members cope with critical incidents and certain personal or professional problems. Peer support is intended to complement services provided by the EAP.

Peer Support Counselor - A member or retired member of the Bremerton Police Department who has received training to provide emotional support, moral support, and counseling to a member who needs those services resulting from an incident in an official capacity or to deal with other stress that is impacting the member's performance of official duties. It also includes a nonemployee counselor who has been designated by the Bremerton Police Department to provide those same services (RCW 5.60.060).

1063.2 POLICY

It is the policy of the Bremerton Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

Bremerton Police Department

Bremerton PD Policy Manual

Wellness Program

1063.3 EMPLOYEE ASSISTANCE PROGRAM

The department participates in the City's wellness program, which includes an EAP. The EAP provides voluntary free and confidential assessments, short-term counseling, referrals, and follow-up services to members who have personal and/or work-related problems. The EAP addresses issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, and family problems. The program is available to members as well as their immediate family (including dependent children).

1063.4 WELLNESS COORDINATOR

The Chief shall appoint a Wellness Coordinator who reports directly to them or their designee. The Wellness Coordinator will collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapists, and qualified health professionals) to facilitate the delivery of wellness information, training and support services and otherwise ensure employee wellness needs are met. In addition, the Wellness Coordinator will be responsible for developing and managing the Department's peer support program. These duties may include:

- (a) Participating in the City's wellness committee and providing resources and information to members regarding available services
- (b) Providing recommendations for selection and retention of peer support counselors
- (c) Maintaining a roster of peer support counselors.
- (d) Ensuring training and applicable certification requirements.
- (e) Coordinating responses for Department-wide events (e.g. death or illness of a member).
- (f) Managing potential conflicts between peer counselors and those seeking service.
- (g) Monitoring and mitigating peer support counselor emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
- (h) Acting as a liaison with outside agencies utilizing our peer support counselors and providing peer support counselors to our officers
- (i) Verifying officers have reasonable access to peer support counselor licensed psychotherapist support.
- (j) Establishing procedures for CISDs such as defining the types of incidents that may initiate debriefings and process for organizing debriefings.

1063.5 DEPARTMENT PEER SUPPORT

1063.5.1 PEER SUPPORT COUNSELOR SELECTION CRITERIA

Peer support counselor selection will be made at the discretion of the Chief or designee upon written application. Selection factors include:

- (a) Recommendation of the Wellness Coordinator.
- (b) Experience and tenure.
- (c) Ability to communicate and interact effectively.

Bremerton Police Department

Bremerton PD Policy Manual

Wellness Program

- (d) Evaluation by supervisors and any current peer support counselors.
- (e) Successful completion of required trainings as specified in RCW 5.60.060.

1063.5.2 PEER SUPPORT COUNSELOR RESPONSIBILITIES

Peer support counselors will work collaboratively with the Wellness Coordinator to perform the following functions:

- (a) Provide pre- and post-critical incident support.
- (b) Present department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Provide referrals to licensed psychotherapists and other resources, where appropriate.
- (d) Conducting CISDs.

1063.6 PEER SUPPORT COMMUNICATIONS

The Department will honor the sensitivity of communications with peer support counselors. Communications are considered privileged except as provided in RCW 5.60.060. Other laws may require the divulging of information gathered in a peer support session. The peer support counselor shall immediately notify a supervisor and divulge information where there is reason to believe the person intends to seriously injure his/herself or another person. That supervisor shall make reasonable efforts to advise any intended victims. The peer support counselor may disclose additional information with the member's consent. Communications to crisis referral services and all records related to the communications shall be confidential except as set forth in RCW 43.101.425(2).

1063.7 USE OF PEER SUPPORT

A member may contact a peer support counselor for assistance without department authorization or appointment. An order directing members not to talk about aspects of an internal investigation shall not apply to communications with a peer support counselor acting within that role. If the peer support counselor serves on the BPOG board, the peer support counselor will recuse themselves from any guild involvement associated with the matter.

The Wellness Coordinator or designee will appoint a peer support counselor of the member's choosing if a member elects to have a peer support counselor for an on duty, or job-related off duty event, involving actual or threatened death or serious injury. The Wellness Coordinator or designee shall ensure the peer support counselor is authorized by the department or, if selected from an outside agency, properly trained and identified as an authorized peer support counselor by their agency's director. The Wellness Coordinator will notify their Division Captain and the Chief in writing as soon as practicable.

Bremerton Police Department

Bremerton PD Policy Manual

Wellness Program

1063.8 CRITICAL INCIDENT STRESS DEBRIEFINGS

The Wellness Coordinator should coordinate CISDs as soon as practicable following a critical incident. Notes and recorded statements shall not be taken - the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident. The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order. Attendance should only include peer support counselors and those directly involved in the incident.

1063.9 TRAINING

The Wellness Coordinator should coordinate with the training manager to document education and training on topics related to member physical and mental health and wellness such as:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Bremerton PD Policy Manual

Bremerton PD Policy Manual

Attachments

Capture.JPG

**WA State Law Enforcement Records
Retention Schedule Version 8.pdf**



This schedule applies to: Law Enforcement Agencies

Scope of records retention schedule

This records retention schedule authorizes the destruction/transfer of the public records of state and local law enforcement agencies relating to the unique functions of law enforcement, criminal case investigation, and the management of the agency's assets and human resources. This schedule is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)* / *State Government General Records Retention Schedule (SGGRRS)*, which authorizes the destruction/transfer of public records common to all government agencies.

Disposition of public records

Public records covered by records series within this records retention schedule (regardless of format) must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as "Archival (Permanent Retention)" must not be destroyed. Records designated as "Archival (Appraisal Required)" must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with chapter 42.56 RCW. Such public records must be managed in accordance with the agency's policies and procedures for public records requests.

Authority

This records retention schedule was approved for the use by local governments by the Local Records Committee in accordance with RCW 40.14.070 on February 2, 2022.

Signature on File

For the State Auditor: Al Rose

Signature on File

For the Attorney General: Matt Kernutt

Signature on File

Acting State Archivist: Terry Badger

This records retention schedule was approved for use by state agencies by the State Records Committee in accordance with RCW 40.14.050 on February 2, 2022.

Signature on File

**For the State Auditor:
Al Rose**

Signature on File

**For the Attorney General:
Suzanne Becker**

Signature on File

**For the Office of Financial Management:
Gwen Stamey**

Signature on File

**Acting State Archivist:
Terry Badger**



Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies must take measures to ensure that the retention and disposition of public records is in accordance with current, approved records retention schedules.

REVISION HISTORY

Version	Date of Approval	Extent of Revision
1.0	2001	Initial version (and updates).
2.0	2002	Minor revisions.
3.0	2005	Minor revisions.
4.0	2007	Jail Records and Electronic Records and Information Services sections revised.
4.1	Dec. 27, 2007	Primary retention of SURVEILLANCE RECORDINGS – ROUTINE (DAN L15-01-64) reduced from 6 months to 60 days.
5.0	March 26, 2009	Records series common to all local government agencies now appear in the new <i>Local Government Common Records Retention Schedule (CORE)</i> and have been removed from this schedule. All Disposition Authority Numbers (DANs) in the <i>Law Enforcement Records Retention Schedule</i> now begin with the prefix “LE”; there have been no changes to titles, descriptions, retention periods, or archival designations.
6.0	July 29, 2010	Complete revision of series titles, descriptions, retention periods, and archival designations. Entire schedule has been reorganized and restructured. The “Secondary Copy” and “Remarks” columns have been removed and the entire schedule has been reformatted. Records series common to all local government agencies and covered by the <i>Local Government Common Records Retention Schedule (CORE)</i> have been removed.
6.1	January 31, 2013	Critical updates based on user feedback. Added 10 new records series, discontinued 10 series, and revised 36 series. Function descriptions revised to more closely follow activity descriptions in <i>CORE</i> .



7.0	December 3, 2015	Critical updates based on user feedback. Added 9 new records series, discontinued 2 series, and revised 11 series. Topics addressed include internal review and/or investigation of incidents (including misconduct); <i>Prison Rape Elimination Act (PREA)</i> ; mobile recordings (bodycam, dashcam, drone, etc.); background checks conducted for non-criminal investigation purposes; solicitor licenses; juvenile records <i>and their early destruction</i> (chapter 13.50 RCW). All changes are detailed in the Summary of Changes. (NOTE: Typographical error corrections, formatting, and inconsequential language modifications were not considered changes.)
7.1	August 11, 2016	Changes to retention for <i>Recordings from Mobile Devices – Incident Not Identified (DAN LE09-01-09)</i> and minor revisions to the “Corrections and Jails – Inmate Security and Control” and “Enforcement – Violations and Traffic Enforcement” sections.
7.2	January 26, 2017	New series, <i>Recordings from Mobile Devices – Buffered Data/Images (DAN GS2017-001)</i> , provides disposition authority for certain data/images recorded over <i>as part of routine device operations</i> . 3 related series modified. All changes are detailed in the Summary of Changes.
8.0	February 2, 2022	Scope of schedule broadened to include state law enforcement agencies (such as Washington State Patrol, Department of Fish and Wildlife, State Parks and Recreation Commission, university police departments, etc.), incorporation of legislative changes, and other minor revisions throughout the schedule.

For assistance and advice in applying this records retention schedule,
please contact your agency’s Records Officer
or Washington State Archives at:
recordsmanagement@sos.wa.gov



TABLE OF CONTENTS

1.	AGENCY ADMINISTRATION AND MANAGEMENT	6
1.1	COMMUNITY AND EXTERNAL RELATIONS	6
2.	ASSET MANAGEMENT	9
2.1	MAINTENANCE, INSPECTION, AND MONITORING	9
3.	COMMUNICATION.....	10
3.1	DISPATCH	10
3.2	INFORMATION DISSEMINATION	14
4.	CORRECTIONS AND JAILS	15
4.1	ELECTRONIC / HOME DETENTION MONITORING	15
4.2	FOOD AND COMMISSARY SERVICES	17
4.3	INMATE HEALTH INFORMATION MANAGEMENT	19
4.4	INMATE MOVEMENT	20
4.5	INMATE SECURITY AND CONTROL	22
5.	EMERGENCY MANAGEMENT	30
5.1	SEARCH AND RESCUE	30
6.	ENFORCEMENT.....	31
6.1	AUTHORIZATION AND REGULATION	31
6.2	COURT ORDER IMPLEMENTATION.....	36
6.3	PROPERTY AND AUCTION MANAGEMENT.....	39
6.4	VIOLATIONS AND TRAFFIC ENFORCEMENT	41
7.	HUMAN RESOURCE MANAGEMENT	46
7.1	COMPLAINTS, GRIEVANCES, INVESTIGATIONS, AND MISCONDUCT	46
7.2	PERSONNEL RECORDS	48
8.	INVESTIGATION	50
8.1	CASE MANAGEMENT.....	50
8.2	INTELLIGENCE.....	67
8.3	JUVENILE OFFENSE RECORDS ELIGIBLE FOR EARLY DESTRUCTION	70



9. LEGACY RECORDS 72

GLOSSARY 73

INDEXES 75



1. AGENCY ADMINISTRATION AND MANAGEMENT

This section includes records relating to agency administration and management that are either not covered by or are exceptions to the *Local Government Common Records Retention Schedule (CORE)* / *State Government General Records Retention Schedule*.

1.1 COMMUNITY AND EXTERNAL RELATIONS

This section includes records relating to community and external relations that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2015-005 Rev. 1	Background Checks/Tests/Investigations (Non-Criminal) Records relating to background checks, tests, and/or investigations completed by the law enforcement agency on behalf of the agency or any other government agency or private employer/entity that are unrelated to the agency's criminal investigation cases. Includes employment-related investigations of employees, volunteers, contractors, etc. Records include, but are not limited to: • Criminal History Record Information (CHRI) and/or "No Record Found" results; • Fingerprints, analysis, etc.; • Third party references, statements, reports (including credit checks, etc.); • Polygraph and psychological testing; • Related communications (regardless of format). Excludes records covered by: • <i>Concealed Pistol License Applications – Approved/Voided/Revoked (DAN LE17-01-01);</i> • <i>Concealed Pistol License Applications – Denied (DAN LE17-01-02);</i> • <i>Employee Work History (DAN GS50-04B-06);</i> • <i>Personnel – Employment History Files (DAN GS 03042);</i> • <i>Personnel Records (Peace/Corrections Officers) (DAN LE2022-010);</i> • <i>Recruitment – Employee (DAN GS 03012);</i> • <i>Recruitment (DAN GS50-04B-22).</i>	Retain for 3 years after request fulfilled <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



1.1 COMMUNITY AND EXTERNAL RELATIONS

This section includes records relating to community and external relations that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-025 Rev. 1	Crime Prevention Programs Records relating to the operation and management of crime prevention programs, such as: • Crime Stoppers; • Block watch; • Business watch; • House watch. Excludes records covered by: • <i>Establishment/Development History of Agency/Programs (DAN GS50-06F-02 / GS 10013);</i> • <i>Ride-Along Program (DAN LE03-01-38).</i>	Retain for 1 year after obsolete or superseded <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-001 Rev. 1	Fingerprint Requests (Public) Records, including logs, relating to requests submitted by individuals to obtain their own fingerprints for reasons <u>unrelated to criminal or other investigations by the law enforcement agency</u>, such as to provide to a potential employer prior to hiring, or to obtain a specific occupational license from a regulatory agency, etc. Excludes records covered by: • <i>Financial Transactions – General (DAN GS2011-184 / GS 01001);</i> • <i>Fingerprint Analysis (DAN LE2013-010).</i>	Retain for 3 years after request fulfilled <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



1.1 COMMUNITY AND EXTERNAL RELATIONS

This section includes records relating to community and external relations that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-026 Rev. 1	Lock-Outs Records relating to the provision of assistance to citizens who have locked themselves out of houses or vehicles. Excludes waivers of liability covered by <i>Contracts and Agreements – General (DAN GS50-01-11 / GS 01050)</i> .	Retain for 3 years after date of lock-out <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE25-01-01 Rev. 1	Property Registration Records relating to personal property registered with the agency for recovery if lost or stolen.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE03-01-38 Rev. 2	Ride-Along Programs Records relating to public participation in agency Ride-Along programs. Includes, but is not limited to: • Parent/legal guardian permissions for individuals under age 18. <i>Note: Retention based on 3-year statute of limitations for personal injury (RCW 4.16.080 and RCW 4.16.190).</i>	Retain for 3 years after participant's ride-along <i>and</i> 3 years after participant reaches age 18 <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



2. ASSET MANAGEMENT

This section includes records relating to asset management that are either not covered by or are exceptions to the *Local Government Common Records Retention Schedule (CORE)* / *State Government General Records Retention Schedule*.

2.1 MAINTENANCE, INSPECTION, AND MONITORING

This section includes records relating to maintenance, inspection, and monitoring that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE26-01-02 Rev. 2	Agency-Owned Animals Records relating to horses, dogs, or other animals owned by the agency and retained in accordance with WAC 139-05-915. Includes, but is not limited to: • Training and canine team certification; • Animal acquisition and microchip information; • Records showing purpose, use, or assignment of animal.	Retain for 6 years after removal from active service <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE27-01-04 Rev. 1	Weapons (Agency-Issued) Records relating to the issuance, inspection, and maintenance of weapons issued by and/or handled by agency personnel. Includes, but is not limited to: • Records of issuance, gift, and loss; • Records of inspection, maintenance, and certification.	Retain for 3 years after disposal of weapon <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



3. COMMUNICATION

The function of receiving, maintaining, and disseminating information relating to law enforcement activities, including the provision of pertinent information to agency personnel, other agencies, and the public.

Excludes records covered in the *Emergency Communications (911) Records Retention Schedule*.

3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE06-01-03 Rev. 1	All Radio Transmissions Recordings of radio transmissions between law enforcement and dispatch staff regarding requests for resources, status changes, and/or incident-related activity.	Retain for 90 days after conclusion of dispatch action <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE12-01-01 Rev. 1	Alarm Call Response Reports documenting officer response to alarms and/or the outcome of the agency response.	Retain for 30 days after event <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE12-01-05 Rev. 1	Census Tract/Grid Maps Maps showing census tracts used for the purposes of compiling law enforcement statistics, trending and analysis.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE03-01-32 Rev. 2	<i>Dangerous Individuals and Premises</i> Records documenting specific individuals or premises that present unique hazards to law enforcement personnel, or where needed to expedite law enforcement response, such as: • Address-specific security systems or hazards to law enforcement; • Individuals known to have unique medical needs or to present risk to law enforcement personnel.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2022-007 Rev. 0	<i>GPS/AVL Data – Not Used</i> Automatically and continuously generated Global Positioning System/Automatic Vehicle Location (GPS/AVL) data, generated by law enforcement vehicles and devices, that is not used in the dispatching of law enforcement units.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-002 Rev. 0	Non-Emergency Reports Reports of non-emergency crimes or incidents received by law enforcement agencies. Does not include calls or reports received by designated public safety answering points. Includes, but is not limited to: • Reports of non-emergency incidents received via phone or web-form; • Master recordings of non-emergency calls received. Excludes: • Records covered by <i>911 Conversations – Master Recordings (DAN EM50-29-01)</i> in the <i>Emergency Communications (911) Records Retention Schedule</i>; • Records covered by <i>Computer-Aided Dispatch (CAD) – Incident Files (DAN EM06-01-02)</i> in the <i>Emergency Communications (911) Records Retention Schedule</i>; • Incident reports.	Retain for 90 days after report received <i>or</i> conclusion of dispatch action, <i>whichever is later</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE06-01-07 Rev. 1	Radio Logs Logs documenting incoming and/or outgoing emergency radio communications.	Retain for 60 days after date of entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE06-01-08 Rev. 1	Recurrent Callers Records relating to individuals who make emergency calls on an unusually frequent basis.	Retain for 3 years after last activity <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



3.1 DISPATCH

The activity of coordinating emergency response in regards to specific emergency situations.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-031 Rev. 0	<i>Reverse Automatic Locator Requests</i> Records relating to requests to phone companies for location information associated with specific phone numbers from which calls have been received.	Retain for 3 years after date of request <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



3.2 INFORMATION DISSEMINATION

The activity of distributing information among agency personnel, other agencies, or the public.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-032 Rev. 0	<i>Criminal History Validations – A Centralized Computer Enforcement System (ACCESS), Washington Crime Information Center (WACIC), and National Crime Information Center (NCIC)</i> Records relating to validation notices received from the Washington State Patrol verifying the receipt and database entry of criminal history information transferred in accordance with RCW 10.98.050.	Retain for 3 years after date of validation <i>or</i> until completion of Washington State Patrol audit, <i>whichever is sooner</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-18 Rev. 1	<i>Daily Bulletins</i> Bulletins created on a daily basis to disseminate pertinent information to officers.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE03-01-47 Rev. 1	<i>Uniform Crime Reporting (UCR)/National Incident-Based Reporting (NIBR)</i> Reports prepared on a monthly basis documenting UCR and/or NIBR information and statistics for submission to the Washington Association of Sheriffs and Police Chiefs (WASPC). Also includes supplemental reports.	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR



4. CORRECTIONS AND JAILS

The function of operating correctional facilities and community corrections programs.

See the Local Government Common Records Retention Schedule (CORE) for additional records relating to asset management and financial management.

4.1 ELECTRONIC / HOME DETENTION MONITORING

The activities associated with the electronic monitoring and home detention of individuals by law enforcement agencies.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-005 Rev. 0	<i>Electronic Monitoring and Home Detention Records (Age 18 and Over)</i> Records documenting the use of electronic monitoring equipment and orders for administering electronic monitoring and home detention on individuals in accordance with chapter 9.94A RCW. Includes, but is not limited to: • Court orders; • Equipment information files; • Infractions and disciplinary records; • Notification of installation and removal of electronic monitoring devices; • Agreements between individuals and private monitoring entities; • Referral, pre-screening, compliance, and consent forms; • Reports and schedules. Excludes records covered by <i>Financial Transactions – General (DAN GS2011-184 / GS 01001)</i>.	Retain for 6 years after termination of monitoring/detention <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.1 ELECTRONIC / HOME DETENTION MONITORING

The activities associated with the electronic monitoring and home detention of individuals by law enforcement agencies.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-006 Rev. 0	<i>Electronic Monitoring and Home Detention Records (Under Age 18)</i> Records documenting the use of electronic monitoring equipment and orders for administering electronic monitoring and home detention on individuals in accordance with chapter 9.94A RCW. Includes, but is not limited to: • Court orders; • Equipment information files; • Infractions and disciplinary records; • Notification of installation and removal of electronic monitoring devices; • Agreements between individuals and private monitoring entities; • Referral, pre-screening, compliance, and consent forms; • Reports and schedules. Excludes records covered by <i>Financial Transactions – General (DAN GS2011-184 / GS 01001)</i>.	Retain for 5 years after subject attains age 18 <i>and</i> 6 years after termination of monitoring/detention <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.2 FOOD AND COMMISSARY SERVICES

The activity of providing for the dietary and hygiene needs of inmates, and providing access to commissary services.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-033 Rev. 0	Commissary Orders Orders submitted by inmates for the purchase of commissary items.	Retain for 3 years after date of order <i>or</i> until completion of State Auditor's report, <i>whichever is sooner</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-17 Rev. 1	Food Services – General Records relating to meals and food programs provided to the general inmate population. Includes, but is not limited to, meal counts and menus. Excludes records covered by <i>Food Services – Special Dietary Requirements (DAN LE15-01-09)</i> .	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-09 Rev. 1	Food Services – Special Dietary Requirements Records relating to the unique or specific dietary needs of individual inmates and the provision of food/dietary products. Includes, but is not limited to: • Diet orders; • Documentation of food/products provided to individuals.	Retain for 3 years after termination of incarceration <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.2 FOOD AND COMMISSARY SERVICES

The activity of providing for the dietary and hygiene needs of inmates, and providing access to commissary services.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-46 Rev. 2	<i>Provision of Items to Inmates</i> Records documenting the agency's provision of items for inmates at no cost to the inmate, such as: • Razors; • Personal hygiene products; • Clothing; • Etc.	Retain for 3 years after end of financial year <i>or</i> until completion of State Auditor's report, <i>whichever is sooner</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.3 INMATE HEALTH INFORMATION MANAGEMENT

The activity of managing the medical records of inmates who receive health care services while incarcerated. Includes medical, dental, and psychiatric records.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-25 Rev. 2	<i>Inmate Health Records (Age 18 and Over)</i> Records relating to the provision of health-related services or surveillance for adult inmates on an individual basis. Includes, but is not limited to: • Screening and history information; • Information about medical encounters with health care providers; • Notes and correspondence related to the patient; • Laboratory and test results; • Diagnostic images (such as x-rays, MRIs or CAT scans). Excludes records covered by <i>Inmate Custody Files (Age 18 and Over) (DAN LE15-01-40)</i>.	Retain for 8 years after provision of health-related services <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-034 Rev. 1	<i>Inmate Health Records (Under Age 18)</i> Records documenting the provision of health-related services or surveillance for juvenile inmates on an individual basis. Includes, but is not limited to: • Screening and history information; • Information about medical encounters with health care providers; • Laboratory and test results; • Diagnostic images (such as x-rays, MRIs or CAT scans). Excludes records covered by <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038)</i>.	Retain for 8 years after patient attains age 18 <i>and</i> 8 years after provision of health-related services <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.4 INMATE MOVEMENT

The activity of authorizing and documenting the movement of inmates into, within or out of the corrections facility.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-15 Rev. 1	Activity Logs (Floor/Block/Unit) Logs documenting inmate activity and/or movement on each floor, block, or unit. Includes, but is not limited to logs documenting: • Departure to/return from classes or programs; • Phone use.	Retain for 6 years after date of log entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE22-01-03 Rev. 2	Extraditions Records relating to agency planning and coordination of inmate extraditions to out-of-state detention facilities. Excludes records covered by: • <i>Inmate Custody Files (Age 18 and Over) (DAN LE15-01-40);</i> • <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038).</i>	Retain for 6 years after extradition fulfilled, cancelled, or expired <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-30 Rev. 2	Facility Registers Summary information created in accordance with RCW 70.48.100, documenting persons who are admitted into, transferred between, or released from correctional facilities, jails, or temporary holding cells. Excludes summary records of juvenile holding or detention covered by <i>Detention Log (DAN SS50-28-04)</i> .	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) ESSENTIAL (for Disaster Recovery) OPR
LE2010-035 Rev. 0	Local Jail Reports Reports submitted to the Office of Financial Management in accordance with RCW 10.98.130 regarding offenders released from jails who were convicted of felonies or incarcerated for noncompliance with a felony sentence.	Retain for 6 years after date of report <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.4 INMATE MOVEMENT

The activity of authorizing and documenting the movement of inmates into, within or out of the corrections facility.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-47 Rev. 2	Release Recaps Chronological listings of all inmates released from incarceration the previous day. Excludes records covered by <i>Local Jail Reports (DAN LE2010-035)</i> .	Retain for the life of the agency.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-036 Rev. 0	Sex/Kidnapping Offender Registration Acknowledgements Records documenting acknowledgement of notification of offender registration requirements (in accordance with RCW 70.48.470(1)) by inmates convicted of sex or kidnapping offenses.	Retain for 6 years after date of signature <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-037 Rev. 0	Transfer of Custody Records relating to agency planning and coordination of transportation for inmates into another agency's custody.	Retain for 3 years after transport fulfilled or cancelled <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-045 Rev. 0	Earnings Disposition Records relating to payroll deductions and disbursements of inmate earnings in accordance with RCW 72.65.050.	Retain for 6 years after termination of incarceration <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-40 Rev. 1	Inmate Custody Files (Age 18 and Over) Records documenting the custody of inmates age 18 and over. Includes, but is not limited to, documentation relating to: • Admittance, booking, and transfer; • Background data and history; • Classification (change requests, reviews, hearings, etc.); • Involvement in inmate programming; • Infractions and disciplinary hearings; • Release and community corrections (probation, parole, etc.); • Legal (court records, extradition authorization, victim notification forms, etc.). Excludes records covered by <i>Extraditions (DAN LE22-01-03)</i> .	Retain for 6 years after termination of incarceration <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-038 Rev. 0	<i>Inmate Custody Files (Under Age 18)</i> Records documenting the custody of inmates under age 18. Includes, but is not limited to, documentation relating to: • Admittance, booking, and transfer; • Background data and history; • Classification; • Involvement in inmate programming; • Infractions and disciplinary hearings; • Release and community corrections (probation, parole, etc.); • Legal (court records, extradition authorization, victim notification forms, etc.). Excludes records covered by <i>Extraditions (DAN LE22-01-03)</i>.	Retain for 5 years after subject attains age 18 <i>and</i> 6 years after termination of incarceration <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-086 Rev. 2	<i>Inmate Custody Files – Notorious/Historically Significant Inmates</i> Records documenting the custody of inmates who have gained contemporary public notoriety or significance, such as inmates who have: • Received significant media coverage; • Caused the agency to change policies/procedures or use new methods/technology; • Been frequently cited in scholarly/professional literature or subject of well-known books/films; • Otherwise been generally viewed by the community as important/significant, etc. Includes, but is not limited to, documentation relating to: • Admittance, booking, and transfer; • Background data and history; • Classification (change requests, reviews, hearings, etc.); • Involvement in inmate programming; • Infractions and disciplinary hearings; • Release and community corrections (probation, parole, etc.); • Legal (court records, extradition authorization, victim notification forms, etc.). Excludes records covered by <i>Extraditions</i> (DAN LE22-01-03).	Retain for 6 years after termination of incarceration <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR
LE14-01-29 Rev. 2	<i>Inmate Surveillance Logs</i> Logs relating to the surveillance and monitoring of inmates for security purposes. Includes, but is not limited to cell/unit inspection logs, pass-on logs, and surveillance logs used by agency employees to provide continuity in security across work shifts. Excludes records covered by <i>Mail and Property Surveillance</i> (DAN LE15-01-56).	Retain for 3 years after date of final entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-56 Rev. 1	<i>Mail and Property Surveillance</i> Records relating to the inspection and review of mail and other materials sent to inmates by outside parties.	Retain for 3 years after conclusion of review <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-39 Rev. 1	<i>Population Counts (Inmate)</i> Records documenting inmate population demographics, counts, or assignments. Includes, but is not limited to: • Bed and housing assignments; • Population census and reports; • Tank rosters.	Retain for 3 years after date of report or entry <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2015-003 Rev. 1	<i>Prison Rape Elimination Act (PREA) – Allegation, Investigation, Incident Review</i> Records documenting administrative and/or criminal investigations into allegations of sexual abuse or sexual harassment pursuant to 28 CFR Part 115, <i>Prison Rape Elimination Act (PREA) National Standards</i>. Also includes records relating to sexual abuse incident reviews conducted pursuant to 28 CFR § 115.86, § 115.186, § 115.286, and § 115.386. Excludes: - Records covered by <i>Case Files – Sex Offenders and Sexually Violent Offenses (DAN LE2010-063)</i>; - Annual report(s) prepared pursuant to 28 CFR § 115.88, § 115.188, § 115.288, and § 115.388 covered by <i>Publications – Master Set (DAN GS50-06F-04) / State Publications (DAN GS 15008)</i>. <i>Note: Retention based on certain violations against a victim under the age of eighteen being able to be prosecuted up to the victim's 30th birthday (RCW 9A.04.080) and 10-year requirement for peace and corrections officers' personnel records (RCW 40.14.070(4)).</i>	Retain for 6 years after inmate no longer incarcerated <u>and</u> <u>If minor involved in incident</u>, until minor's 30th birthdate <u>and</u> <u>If agency employee involved in incident</u>, 10 years after separation from employment <u>then</u> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2015-004 Rev. 1	Prison Rape Elimination Act (PREA) – Incident-Based Sexual Abuse Data Accurate, uniform data collected and aggregated by the agency for every allegation of sexual abuse at facilities under its control pursuant to <i>Prison Rape Elimination Act (PREA) National Standards</i>, 28 CFR §115.87, §115.187, §115.287, and §115.387. Excludes: - Records covered by <i>Prison Rape Elimination Act (PREA) - Allegations, Investigations, Incident Review (DAN LE2015-003)</i>; - Annual report(s) prepared pursuant to 28 CFR § 115.88, § 115.188, § 115.288, and § 115.388 covered by <i>Publications – Master Set (DAN GS50-06F-04) / State Publications (DAN GS 15008)</i>. <i>Note: Retention based on 10-year retention requirement for Prison Rape Elimination Act data (28 CFR §115.89, §115.189, §115.289, and §115.389).</i>	Retain for 10 years after data collected <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-042 Rev. 3	Recordings – Inmate Conversations (Case-Specific) Recordings of inmate conversations (such as phone calls, video calls, etc.) where the recorded conversation <i>is</i> related to litigation or a criminal proceeding. Excludes records covered by <i>Investigational Conversation Recordings (DAN LE06-01-04)</i>.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-043 Rev. 3	Recordings – Inmate Conversations (Not Case-Specific) Recordings of inmate conversations (such as phone calls, video calls, etc.) where the recorded conversation <i>is not</i> related to litigation or a criminal proceeding. Excludes records covered by <i>Investigational Conversation Recordings (DAN LE06-01-04)</i>. <i>Note: Retention based on 1-year requirement for recorded conversations (RCW 9.73.095(3)(c)).</i>	Retain for 1 year after date of conversation <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE15-01-63 Rev. 1	Recordings, Security – Incident Identified Recordings, created as security measures, which <u>do</u> contain an incident identified by an inmate, agency personnel, or pending public disclosure request. Includes, but is not limited to: • Inmate surveillance; • Booking and arrest area security recordings.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-64 Rev. 1	Recordings, Security – Incident Not Identified Recordings, created as security measures, which <u>do not</u> contain an incident identified by an inmate, agency personnel, or pending public disclosure request. Includes, but is not limited to: • Inmate surveillance; • Booking and arrest area security recordings.	Retain for 60 days after date of recording <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-26 Rev. 1	Requests (Inmate) Records relating to inmate requests for items or services. Includes, but is not limited to: • Medical or pharmacy services; • Commissary services; • Access to service programs (including applications for admission into community corrections programs).	Retain for 3 years after date of request <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



4.5 INMATE SECURITY AND CONTROL

The activity of imposing control over inmate populations in an effort to prevent security disturbances and improper conduct.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-044 Rev. 1	Trustee Files Records relating to inmates selected for trustee status and their involvement as trustees. Excludes trustee records that are part of an inmate custody file covered by: • <i>Inmate Custody Files (Age 18 or Over) (DAN LE15-01-40);</i> • <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038).</i>	Retain for 1 year after revocation or termination of trustee status <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE15-01-62 Rev. 1	Trustee Rosters Rosters of inmates selected to be trustees.	Retain for 1 year after last entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-59 Rev. 1	Warrant Holds Records relating to notifications received from other law enforcement agencies regarding offenders who are wanted and should be held if apprehended. Includes, but is not limited to: • Hold warrants; • Documentation relating to transfer of offender.	Retain for 6 years after cancelled or inmate transferred <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE15-01-67 Rev. 2	Work Crews Documentation of community corrections or community service work crews overseen by the law enforcement agency, including rosters of inmates or volunteers who worked, orders, directions, shift activity documentation, and any other coordination materials.	Retain for 6 years after conclusion of work activity <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



5. EMERGENCY MANAGEMENT

The function relating to the management and provision of emergency services in response to specific emergency or disaster situations to ensure public safety.

5.1 SEARCH AND RESCUE

The activity of coordinating and providing search and rescue services.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-046 Rev. 0	<i>Mission Files – Search and Rescue</i> Records relating to the planning and/or implementation of search and rescue missions in accordance with chapter 38.52 RCW.	Retain for 6 years after mission concluded <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM



6. ENFORCEMENT

The function of enforcing ordinances and laws within the jurisdiction of the local law enforcement agency.

See the *Local Government Common Records Retention Schedule* for additional records relating to the management of the law enforcement agency's assets.

6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-048 Rev. 1	<i>Alcohol, Tobacco and Firearms (ATF) Forms – Action Taken</i> Copies of federal forms documenting citizen requests for ATF permission to acquire regulated weapons where the law enforcement agency indicates that they have information that may disqualify the applicant from possessing such weapons. Includes, but is not limited to: • ATF Form 4 – Application for Tax Paid Transfer and Registration of Firearm; • ATF Form 7CR – Application for Federal Firearms License (Collector of Curios and Relics); • ATF Form 1 – Application to Make and Register a Firearm.	Retain for 3 years after date form completed <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2022-002 Rev. 0	<i>Alcohol, Tobacco and Firearms (ATF) Forms – No Action Taken</i> Copies of federal forms documenting citizen requests for ATF permission to acquire regulated weapons where no further action is taken by the law enforcement agency. Includes, but is not limited to: • ATF Form 4 – Application for Tax Paid Transfer and Registration of Firearm; • ATF Form 7CR – Application for Federal Firearms License (Collector of Curios and Relics); • ATF Form 1 – Application to Make and Register a Firearm.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-003 Rev. 0	<i>Alien Firearm Licenses</i> Records relating to applications to obtain alien firearm licenses in accordance with RCW 9.41.173 regardless of whether the applicant has been approved or denied. Includes, but is not limited to: • Copies of approval/denial notifications sent to Department of Licensing; • Copies of licenses issued; • Background investigation materials; • Voided licenses. <i>Note: Alien firearm license notifications received by the Washington State Department of Licensing are retained for 6 years after expiration of license in accordance with the Department of Licensing records retention schedule.</i>	Retain for 6 years after expired, voided, or denied, whichever occurs sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE17-01-01 Rev. 3	<i>Concealed Pistol License Applications – Approved/Voided/Revoked</i> Records relating to applications to obtain concealed pistol licenses in accordance with RCW 9.41.070 and agency issuance of concealed pistol licenses where the applicant <u>is</u> approved to receive a concealed pistol license or where the license is subsequently voided or revoked in accordance with RCW 9.41.075. Includes, but is not limited to: • Copies of approval/denial/revocation notifications sent to Department of Licensing; • Copies of licenses issued; • Background investigation materials; • Voided licenses. <i>Note: Concealed Pistol License approvals received by the Washington State Department of Licensing are retained for 6 years in accordance with the Department of Licensing records retention schedule.</i>	Retain for 6 years after expired, voided or revoked <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE17-01-02 Rev. 3	<i>Concealed Pistol License Applications – Denied</i> Records relating to applications to obtain concealed pistol licenses in accordance with RCW 9.41.070, and supporting documentation, where the applicant is <u>not</u> approved to receive a concealed pistol license. Includes, but is not limited to: • Copies of approval/denial notifications sent to Department of Licensing; • Background investigation materials. <i>Note: Concealed Pistol License denials received by the Washington State Department of Licensing are retained for 6 years in accordance with the Department of Licensing records retention schedule.</i>	Retain for 2 years after date of denial <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE17-01-06 Rev. 1	Firearm Dealer Licenses Records relating to the licensing of firearms dealers in accordance with chapter 9.41 RCW. <i>Note: Department of Licensing retains firearm dealer licenses for 6 years in accordance with the state Department of Licensing records retention schedule.</i>	Retain for 1 year after expiration of license <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-049 Rev. 1	Firearm Purchase/Transfer Requests – Eligible Records relating to requests received from firearms dealers to transfer firearms where the law enforcement agency has determined the transferee is <i>eligible</i> to receive a firearm in accordance with 18 U.S.C. §922. Excludes records covered by <i>Firearm Purchase/Transfer Requests – Ineligible (DAN LE17-01-03)</i> . <i>Note: Department of Licensing retains purchase/transfer requests for 6 years in accordance with the state Department of Licensing records retention schedule.</i>	Retain no later than 20 days after request received <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE17-01-03 Rev. 2	Firearm Purchase/Transfer Requests – Ineligible Records relating to requests received from firearms dealers to transfer firearms where the law enforcement agency has determined the transferee is <i>ineligible</i> to receive a firearm in accordance with 18 U.S.C. §922. Excludes records covered by <i>Firearm Purchase/Transfer Requests – Eligible (DAN LE2010-049)</i> . <i>Note: Department of Licensing retains purchase/transfer requests for 6 years in accordance with the state Department of Licensing records retention schedule.</i>	Retain for at least 20 days after receipt of transfer request <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.1 AUTHORIZATION AND REGULATION

The activity of authorizing and regulating individuals, facilities, or equipment through inspection or the issuance of licenses and permits.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE17-01-10 Rev. 1	Pawnbroker/Secondhand Dealer Slip Files/Daily Reports Records relating to daily slips received from pawnbrokers/secondhand dealers regarding their sales transactions.	Retain for 1 year after date of receipt <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE17-01-11 Rev. 1	Pawnbroker/Secondhand Dealer Inspections Records relating to the inspection of pawnbroker/secondhand dealers to determine compliance with rules and regulations.	Retain for 3 years after date of inspection <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2013-004 Rev. 1	Solicitor Licenses Records relating to applications for licenses to solicit/hawk/peddle within the agency's jurisdiction in accordance with chapter 36.71 RCW. Includes, but is not limited to: • Applications received (including those denied); • Reference check forms and notes; • Fingerprint materials; • Background check notes or printouts; • Copies or originals of licenses provided (if approved); • Correspondence relating to the application. Excludes records covered by <i>Financial Transactions – General (DAN GS2011-184 / GS 01001)</i> .	Retain for 6 years after expiration/final renewal of license <i>or</i> 6 years after denial of license, <i>if applicable</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.2 COURT ORDER IMPLEMENTATION

The activity of enforcing and implementing orders, subpoenas, warrants, and other papers issued by courts requiring law enforcement involvement.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-12 Rev. 2	<i>Court Orders/Warrants/Writs – Not Acted Upon</i> Orders issued by a court and filed with the law enforcement agency where the agency has taken no subsequent action. Includes, but is not limited to: • Anti-harassment, no contact, protection, restrictive area, Stay Out of Drug Areas/Stay Out of Areas of Prostitution (SODA/SOAP) orders; • Documentation that order, warrant, or writ information was reported or forwarded to an outside agency or organization such as the National Instant Criminal Background Check System (NICS). Excludes records covered by <i>Compulsory Process Served on the Agency (Not Party to Litigation)</i> (DAN GS2011-172 / GS 18006).	Retain until expired, vacated, terminated, or superseded <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.2 COURT ORDER IMPLEMENTATION

The activity of enforcing and implementing orders, subpoenas, warrants, and other papers issued by courts requiring law enforcement involvement.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE05-01-04 Rev. 2	<i>Court Orders/Warrants/Writs – Acted Upon</i> Records relating to the tracking and delivery of official documents requiring a process to be served by the agency, including action taken on orders, warrants, and writs not originally filed with the agency. Includes, but is not limited to: • Domestic violence information sheets; • Service slips and logs (including face sheets and day tickets); • Returns of service; • Documentation that order, warrant, or writ information was reported or forwarded to an outside agency or organization such as the National Instant Criminal Background Check System (NICS). Excludes summonses that become part of a case file.	Retain for 6 years after last entry or action <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE07-01-08 Rev. 1	<i>Dockets/Process Logs</i> Logs, dockets, or lists of civil and criminal processes received by the agency.	Retain for 3 years after date of entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



6.2 COURT ORDER IMPLEMENTATION

The activity of enforcing and implementing orders, subpoenas, warrants, and other papers issued by courts requiring law enforcement involvement.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE05-01-07 Rev. 1	<i>Executions Against Personal Property</i> Records relating to court-ordered property seizures resulting from judgments against individuals or entities in accordance with chapter 6.17 RCW. Includes, but is not limited to: • Civil worksheets; • Writs and granting orders; • Continuation reports; • Descriptions of property involved.	Retain for 6 years after date of seizure or stay <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE20-01-03 Rev. 2	<i>Sex/Kidnapping Offender Registration, Monitoring and Contacts</i> Records documenting the registration and/or monitoring of sex and kidnapping offenders in the agency's jurisdiction, and/or any associated contacts with offenders. Includes, but is not limited to, records relating to sex/kidnapping offender community notifications.	Retain for 6 years after offender leaves the agency's jurisdiction <i>or</i> 6 years after termination of offender's registration requirement, <i>whichever is sooner</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



6.3 PROPERTY AND AUCTION MANAGEMENT

The activity of confiscating, seizing, acquiring, and/or auctioning (non-agency) property as mandated by statute, ordinance, or court order.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-006 Rev. 0	Evidence Audits Records relating to evidence room audits conducted by the law enforcement agency's own staff to determine compliance with applicable policies, procedures, and requirements for the management of evidence. Includes, but is not limited to: • Correspondence relating to evidence audits; • Notes, logs, or other documentation created by the auditor relating to the inspection/audit; • Audit reports/results/findings. Excludes records covered by: • <i>External Audits/Reviews of Agency – Final Reports (DAN GS 04006);</i> • <i>Fiscal and Performance Audit Reports (DAN GS50-03F-02);</i> • <i>State Auditor's Examination Report (DAN GS50-03A-26);</i> • Audits performed by the Washington Association of Sheriffs and Police Chiefs (WASPC).	Retain for 4 years after completion of auditor's report <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.3 PROPERTY AND AUCTION MANAGEMENT

The activity of confiscating, seizing, acquiring, and/or auctioning (non-agency) property as mandated by statute, ordinance, or court order.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-058 Rev. 1	Property Forfeited Records relating to personal and/or real property forfeited to the agency in accordance with RCW 69.50.505. Includes, but is not limited to: • Documentation of auction and/or proceeds realized from disposition; • Property retained for agency use; • Forfeiture hearing tapes. Excludes records relating to property retained for law enforcement use in accordance with chapters 63.32, 63.40, and 63.42 RCW. <i>Note: Retention based on 7-year requirement for records relating to forfeited property (RCW 69.50.505(8)(b)).</i>	Retain for 7 years after disposal of property <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-08 Rev. 3	Property Seizure/Disposition Records relating to the seizure or disposition of non-agency property to satisfy a court judgment or order. Includes, but is not limited to: • Auction reports; • Bills, certificates, and notices of sale; • Copies of deeds.	Retain for 6 years after disposal of property <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing laws and ordinances and citing violations (including traffic, non-traffic and vessel or vehicle-related violations).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-052 Rev. 0	Automated Traffic Safety Cameras – Citation or Notice of Infraction Issued Images captured by automated traffic safety cameras which <u>have</u> resulted in the issuance of a citation or notice of infraction.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-053 Rev. 0	Automated Traffic Safety Cameras – Citation or Notice of Infraction Not Issued Images captured by automated traffic safety cameras which <u>have not</u> resulted in the issuance of a citation or notice of infraction.	Retain until verification that no infraction has been captured <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-054 Rev. 0	Automatic License Plate Recognition Images – Case-Specific Images of vehicle license plates captured by automatic license plate imaging equipment and which <u>do</u> contain images significant to case investigations or court proceedings.	Retain until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-055 Rev. 0	Automatic License Plate Recognition Images – Not Case-Specific Images of vehicle license plates captured by automatic license plate imaging equipment and which <u>do not</u> contain images significant to case investigations or court proceedings.	Retain until verification that a significant image has not been captured <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing laws and ordinances and citing violations (including traffic, non-traffic and vessel or vehicle-related violations).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-095 Rev. 2	<i>Citations/Notices of Infraction Issued – Driving Under the Influence</i> Records relating to citations issued to alleged violators for driving while under the influence of intoxicating liquor or drugs as defined in RCW 46.61.502. Excludes: • Citations/Notices of Infraction generated using Washington State Patrol’s Statewide Electronic Collision and Ticket Online Records (SECTOR) transmitted to Washington State Patrol; • Records covered by <i>Citations/Notices of Infraction Issued – All Others (DAN LE07-01-06)</i>. <i>Note: Retention based on 10-year requirement to allow individuals who have had four or more prior offenses within 10 years to be charged with a gross misdemeanor (RCW 46.61.502).</i>	Retain for 10 years after date of issuance <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing laws and ordinances and citing violations (including traffic, non-traffic and vessel or vehicle-related violations).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-06 Rev. 3	<i>Citations/Notices of Infraction Issued – All Others</i> Records relating to criminal or non-criminal citations issued to alleged violators (such as traffic and non-traffic citations). Includes, but is not limited to: • Originals and/or duplicates of issued citations; • Documentation of disposition of the charge when applicable. Excludes: • Citations/Notices of Infraction generated using Washington State Patrol's Statewide Electronic Collision and Ticket Online Records (SECTOR) transmitted to Washington State Patrol; • Records covered by <i>Citations/Notices of Infraction Issued – Driving Under the Influence (DAN LE2010-095)</i>.	Retain for 3 years after date of issuance <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-12 Rev. 1	<i>Citations/Notices of Infraction – Issued to Officer</i> Records documenting the issuance of blank, pre-numbered citations/notices of infraction to officers in accordance with RCW 46.64.010. Includes, but is not limited to: • Voided citations/tickets; • Receipts for books and/or devices issued. Excludes unissued/blank citation forms covered by <i>Forms – Accountable (DAN GS2010-011 / GS 12004)</i>.	Retain for 3 years after date of issuance <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing laws and ordinances and citing violations (including traffic, non-traffic and vessel or vehicle-related violations).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE12-01-13 Rev. 1	<i>Collision Reports</i> Reports documenting vehicle collisions resulting in injury, death, or damage to property, created in accordance with RCW 46.52.070 and submitted to Washington State Patrol in accordance with RCW 46.52.030.	Retain until submitted to Washington State Patrol <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE21-01-04 Rev. 1	<i>Impound Logs</i> Logs documenting impounds reported to the agency by registered tow truck operators.	Retain for 3 years after date of log entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE21-01-02 Rev. 1	<i>Impounds/Abandoned Vehicles</i> Records relating to vehicles impounded by the agency. Includes, but is not limited to: • Impound/abatement records; • Tow-away notices; • Requests for information; • Notices to owner(s) and/or lien holder(s); • Affidavits; • Transfers of ownership; • Bills of sale.	Retain for 3 years after disposition of vehicle <i>or</i> until completion of State Auditor's report, whichever is sooner <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



6.4 VIOLATIONS AND TRAFFIC ENFORCEMENT

The activity of enforcing laws and ordinances and citing violations (including traffic, non-traffic and vessel or vehicle-related violations).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-057 Rev. 0	<i>Suspension/Trespass/Expulsion Notices</i> Records relating to notices issued to suspend the rights of an individual or to prohibit their presence in a specific place or location. Includes, but is not limited to: • Transit suspensions; • Trespass notices; • Expulsion notices.	Retain for 1 year after cancelled or expired <i>and</i> until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-005 Rev. 0	<i>Vessel Inspections</i> Records relating to boat/vessel inspections performed by the local law enforcement agency to determine compliance with applicable laws and regulations where a violation has or has not been cited. Excludes records covered by: • <i>Citations/Notices of Infraction Issued – Driving Under the Influence (DAN LE2010-095);</i> • <i>Citations/Notices of Infraction Issued – All Others (DAN LE07-01-06).</i>	Retain for 6 years after date of inspection <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



7. HUMAN RESOURCE MANAGEMENT

This section includes records relating to human resource management that are either not covered by or are exceptions to the *Local Government Common Records Retention Schedule (CORE)* / *State Government General Records Retention Schedule*.

7.1 COMPLAINTS, GRIEVANCES, INVESTIGATIONS, AND MISCONDUCT

This section includes records relating to complaints, grievances, investigations, and misconduct that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-003 Rev. 0	<i>Complaints, Grievances, and Misconduct Records (Peace/Corrections Officers)</i> Records relating to complaints, grievances, misconduct, etc. (including their related internal reviews/investigations) involving peace officers or corrections officers. Includes, but is not limited to: • Misconduct and equal employment opportunity complaints, whether founded or unfounded; • Progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records; • Other records needed to comply with the requirements set forth in RCW 43.101.095 (Peace and Corrections Officer Certification) and 43.101.135 (Notice to Criminal Justice Training Commission of peace or corrections officer termination). Excludes: • Complaints, grievances, and misconduct records for corrections officers employed by state agencies; • Records covered by <i>Prison Rape Elimination Act (PREA) - Allegations, Investigations, Incident Review (DAN LE2015-003)</i>. <i>Note: Retention based on 10-year requirement for peace and corrections officers' personnel records (RCW 40.14.070(4)).</i>	Retain for 10 years after date of separation from agency <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR





7.2 PERSONNEL RECORDS

This section includes records relating to personnel records that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-010 Rev. 0	<i>Personnel Records (Peace/Corrections Officers)</i> Personnel records for any peace officers or corrections officers relating to an individual's employment history with the agency and the documentation related to the position held. Includes, but is not limited to: - Records typically covered by <i>Employee Work History (DAN GS50-04B-06)/Personnel – Employment History Files (DAN GS 03042)</i> for other non-peace/corrections officers; - Oaths of office; - Off-duty authorizations/commissions; - Other records needed to comply with the requirements set forth in RCW 43.101.095 (Peace and Corrections Officer Certification) and 43.101.135 (Notice to Criminal Justice Training Commission of peace or corrections officer termination). Excludes: - Personnel records for corrections officers employed by state agencies; - Records covered by <i>Complaints, Grievances, and Misconduct Records (Peace/Corrections Officers) (DAN 2022-003)</i>; - Records covered by <i>Employee Retirement/Pension Verifications (DAN GS2017-009) / Retirement Verification (DAN GS 03032)</i>. <i>Note: Retention based on 10-year requirement for peace and corrections officers' personnel records (RCW 40.14.070(4)).</i>	Retain for 10 years after date of separation from agency <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



7.2 PERSONNEL RECORDS

This section includes records relating to personnel records that are either not covered by or are exceptions to the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE03-01-39 Rev. 1	<i>Roll Call Files</i> Records relating to officer attendance at agency meetings, briefings, inspections, and other agency activities and events.	Retain for 1 year after event <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8. INVESTIGATION

The function of investigating criminal activity, agency operations and procedures, and employee conduct within the local law enforcement agency's jurisdiction.

8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE12-01-03 Rev. 1	Case Assignment Control Logs documenting the assignment of criminal cases to detectives.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-062 Rev. 2	Case Files – Homicides (Solved) Case reports and files assembled by law enforcement in the course of investigating homicides that have been solved. Includes, but is not limited to: - Bond and bail information; - Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.). Excludes records covered by: <i>Criminal History Record Information (DAN LE07-01-05);</i> <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i>	Retain for 20 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-061 Rev. 2	Case Files – Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies Case reports and files assembled by law enforcement in the course of investigating unsolved homicides, unidentified bodies or unfound missing persons where the case has not been solved. Includes, but is not limited to: • Bond and bail information; • Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.). Excludes records covered by: • <i>Criminal History Record Information (DAN LE07-01-05);</i> • <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i>	Retain for 75 years after case opened <i>and</i> until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) ESSENTIAL (for Disaster Recovery) OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-063 Rev. 3	Case Files – Sex Offenders and Sexually Violent Offenses Case reports and files assembled by law enforcement in the course of investigating criminal sex or kidnapping offenses as defined in chapter 9A.44 RCW, sexually violent offenses as defined in RCW 71.09.020(17), or pertaining to a sex offender as defined in chapter 9A.44 RCW. Includes, but is not limited to: • Bond and bail information; • Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.). Excludes records covered by: • <i>Criminal History Record Information (DAN LE07-01-05);</i> • <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i> <i>Note: Records of any investigative reports pertaining to sex offenders as defined in Chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall be transferred to the Washington Association of Sheriffs and Police Chiefs in accordance with RCW 40.14.070(2)(b).</i>	Retain for 5 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then</i> Transfer to Washington Association of Sheriffs and Police Chiefs for permanent retention.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-060 Rev. 3	Case Files – Other Cases (Notorious/Historically Significant) Case reports and files assembled by law enforcement in the course of investigating cases which have gained contemporary public notoriety or significance, such as cases that have: • Received significant media coverage; • Caused the agency to change policies/procedures or use new methods/technology; • Been frequently cited in scholarly/professional literature or subject of well-known books/films; • Otherwise been generally viewed by the community as important/significant, etc. Includes, but is not limited to: • Bond and bail information; • Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.). Excludes records covered by: • <i>Case Files – Homicides (Solved) (DAN LE2010-062);</i> • <i>Case Files – Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies (DAN LE2010-061);</i> • <i>Case Files – Sex Offenders and Sexually Violent Offenses (DAN LE2010-063);</i> • <i>Criminal History Record Information (DAN LE07-01-05);</i> • <i>Criminal History Records Information – Non-Conviction Data (DAN LE2013-007).</i>	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-064 Rev. 2	Case Files – Other Cases (Routine) Case reports and files assembled by law enforcement in the course of investigating any incident that is not covered by a more specific records series. Includes, but is not limited to: - Bond and bail information; - Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.). Excludes records covered by: <i>Case Files – Other Cases (Notorious/Historically Significant) (DAN LE2010-060);</i> <i>Criminal History Record Information (DAN LE07-01-05);</i> <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i>	Retain for 5 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE12-01-04 Rev. 1	Case Logs Logs documenting case tracking information within the agency.	Retain until all inclusive case files have been destroyed/transferred <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-065 Rev. 1	Court Disposition Information Records relating to information received from courts or other law enforcement agencies regarding the disposition of a court process in accordance with RCW 10.97.045.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-11 Rev. 2	<i>Criminal Background Information Management</i> Records documenting the searching, management, and dissemination of criminal background information. Includes, but is not limited to: • National Crime Information Center (NCIC) Inquiry Logs; • Secondary Dissemination Logs. <i>Note: Retention based on auditing requirements of the Washington State Patrol.</i>	Retain until completion of Washington State Patrol audit <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-066 Rev. 0	<i>Criminal History Audit Reports</i> Final reports of Washington State Patrol audit findings. <i>Note: Criminal history audit reports are retained by Washington State Patrol in accordance with the Washington State Patrol records retention schedule.</i>	Retain for 6 years after completion of Washington State Patrol audit <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR
LE07-01-02 Rev. 1	<i>Criminal History Audit Trail Files</i> Records documenting the receipt and entry of disposition information to criminal offender record information in accordance with RCW 10.98.100.	Retain for 1 year after completion of Washington State Patrol audit <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-05 Rev. 3	<i>Criminal History Record Information</i> Criminal history record information as defined by RCW 10.97.030. Includes, but is not limited to: • Fingerprints recorded in accordance with RCW 43.43.735 and transmitted to Washington State Patrol in accordance with RCW 10.98.050 or RCW 43.43.570; • Identifiable descriptions; • Notations of arrests, charges and dispositions; • Mug shots. Excludes the records of Washington State Patrol.	Retain until transmitted to Washington State Patrol <i>and</i> until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-007 Rev. 1	<i>Criminal History Record Information – Non-Conviction Data</i> Criminal history record information (as defined by RCW 10.97.030) that consists entirely of non-conviction data (as defined by RCW 10.97.030) for which the subject of the criminal history information has requested deletion of the non-conviction data, and deletion has been granted in accordance with RCW 10.97.060. Excludes records covered by <i>Criminal History Record Information (DAN LE07-01-05)</i>.	Retain until deletion request from subject of non-conviction data is granted <i>or</i> until subject is deceased, whichever occurs sooner <i>then</i> Destroy.	NON-ARCHIVAL ESSENTIAL (for Disaster Recovery) OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-004 Rev. 0	Custodial Interrogation Recordings Electronic recordings of custodial interrogations as defined in section 2, chapter 329, Laws of 2021. <i>Note: Retention based on requirement to retain custodial interrogation recordings throughout the length of any resulting sentence, including any period of community custody extending through final discharge. (Section 14 – chapter 329, Laws of 2021).</i> <i>Note: Retention requirements do not take effect until January 1, 2022.</i>	Retain until final discharge of offender from custody (including community custody) <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-069 Rev. 1	Evidence/Property In Custody – Management Records documenting the intake, management, and disposition of property acquired by the agency as evidence or for safekeeping. Does not include the actual evidence, which should be managed in accordance with applicable federal, state or local law, court order, and/or agency policy. Includes, but is not limited to: • Evidence/property in/out logs; • Documentation relating to disposition (destruction, return to owner, return to jurisdictional agency, etc.). Excludes records covered by: • <i>Executions Against Personal Property (DAN LE05-01-07);</i> • <i>Inmate Custody Files (Age 18 or Over) (DAN LE15-01-40);</i> • <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038);</i> • <i>Property Seizure/Disposition (DAN LE03-01-08).</i>	Retain for 6 years after disposition of property <i>and</i> 1 year after disposition of pertinent case file(s) <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-070 Rev. 1	Expungement/Sealing/Vacation of Records Records relating to requests and orders for the expungement, sealing, or vacation of criminal information or records in accordance with WAC 446-16-025.	Retain for the current approved retention period for the records being expunged/sealed/vacated <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2013-010 Rev. 0	Fingerprint Analysis Requests for fingerprint analysis received from external law enforcement agencies for the purpose of identifying an individual and that do not relate to criminal or other investigations undertaken by the agency. Includes latent prints from crime scenes, arrestee or inmate prints, and ten prints or other prints received for identification purposes, correspondence and reports. Excludes: - Records covered by <i>Fingerprint Requests (Public)</i> (DAN LE2013-001); - Ten prints or other fingerprints taken or received in regards to a concealed pistol license application or other permit/registration being processed by the agency and covered by a more specific DAN.	Retain for 3 years after request fulfilled <i>or</i> until returned to requesting agency <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-008 Rev. 0	<i>Internal Review/Post-Incident Analysis (Routine)</i> Records relating to formal or informal analysis of a given response event to evaluate the events that occurred, strategy and tactics employed, results, and lessons learned. Includes, but is not limited to: • Use of force forms and their review. Excludes records covered by <i>Complaints, Grievances, and Misconduct (Peace/Corrections Officers) (DAN 2022-003)</i> .	Retain for 6 years after completion of review <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE06-01-04 Rev. 2	<i>Investigational Conversation Recordings</i> Recordings of investigational conversations with victims, suspects, witnesses, or other individuals associated with criminal investigations. Excludes records covered by <i>Custodial Interrogation Recordings (DAN LE2022-004)</i> .	Retain for 1 year after transcribed verbatim and verified <i>or</i> until disposition of pertinent case file, <i>whichever is sooner</i> <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2010-077 Rev. 0	<i>Investigational Conversation Transcriptions</i> Transcriptions of recorded investigational conversations with victims, suspects, witnesses, or other individuals associated with criminal investigations.	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-071 Rev. 0	<i>Investigative Funds</i> Records relating to agency funds expended during criminal investigation evidence buys, investigative expenses, and informant expenses and/or payments. Includes, but is not limited to: • Expense vouchers; • Receipt books for funds spent; • Ledgers; • Receipts for purchases.	Retain for 10 years after date of last expenditure <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-072 Rev. 0	<i>Major Accident Response and Reconstruction (MARR)</i> Investigations of major traffic accidents resulting in fatalities or serious injury with a high likelihood of civil litigation. Includes, but is not limited to: • Accident scene drawings and measurements; • Crash data logs.	Retain for 50 years after conclusion of investigation <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-073 Rev. 1	Polygraph Tests Records relating to polygraph examinations administered as part of a criminal case investigation. Includes, but is not limited to: • Uninterpreted polygraph results; • Interpretive reports. Excludes polygraph tests administered for non-criminal purposes covered by <i>Background Checks/Tests/Investigations (Non-Criminal)</i> (DAN LE2015-005).	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2017-001 Rev. 1	Recordings from Mobile Devices – Buffered Data/Images Automatically and continuously generated data and images that are captured by mobile recording devices, stored temporarily in the device, <i>and recorded over</i> as part of routine device operations <u>without being accessed</u>. Excludes: • Data and images (including any “pre-event” or “post-event” buffer) that are part of a manually or automatically triggered event recording, covered by <i>Recordings from Mobile Devices – Incident Identified (DAN LE09-01-08)</i> and <i>Recordings from Mobile Devices – Incident Not Identified (DAN LE09-01-09)</i>; • Any data and images that are accessed before being recorded over (e.g., if a triggered recording does not record successfully, if the agency reviews recorded images/data that are <u>not</u> part of a triggered event recording, etc.) covered by <i>Recordings from Mobile Devices – Incident Identified (DAN LE09-01-08)</i> and <i>Recordings from Mobile Devices – Incident Not Identified (DAN LE09-01-09)</i>; • <i>Recordings from Mobile Devices – Incident Not Identified (Body Worn Cameras) (DAN LE2016-001)</i>.	Destroy as part of routine device operations <i>as defined by agency policy</i> .	NON-ARCHIVAL NON-ESSENTIAL OFM



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE09-01-08 Rev. 3	Recordings from Mobile Devices – Incident Identified Recordings, created by the law enforcement agency using mobile recording devices, and whether manually or automatically triggered, that are <i>known</i> to have captured a unique or unusual action from which litigation or criminal prosecution is expected or likely to result. Includes all mobile recordings, regardless of where recording device is mounted, such as: • Bodycam (device on officer's chest, shoulder, head, cap, sunglasses, pole/stick, etc.); • Dashcam (or any other device mounted on the inside or outside of a vehicle – car, motorcycle, boat, all terrain vehicle (ATV), bike, scooter, etc.); • Dogcam (on an animal's body – canine, equine, etc.); • Drone (unmanned aerial vehicle or any other remote controlled equipment). Excludes records covered by: • <i>Intercepted Communications/Conversations – Recorded (DAN LE2010-075);</i> • <i>Recordings from Mobile Devices – Buffered Data/Images (DAN LE2017-001).</i>	Retain until matter resolved <i>and</i> until exhaustion of appeals process <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2016-001 Rev. 2	Recordings from Mobile Devices – Incident Not Identified (Body Worn Cameras) Recordings, created by the law enforcement agency using body worn cameras, <i>provided that</i> the recording is <i>not known</i> to have captured a unique or unusual incident or action from which litigation or criminal prosecution is expected or likely to result. Excludes records covered by: • <i>Intercepted Communications/Conversations – Recorded (DAN LE2010-075);</i> • <i>Recordings from Mobile Devices – Buffered Data/Images (DAN LE2017-001);</i> • <i>Recordings from Mobile Devices – Incident Identified (DAN LE09-01-08);</i> • <i>Recordings from Mobile Devices – Incident Not Identified (Non Body Worn Cameras) (DAN LE09-01-09).</i> <i>Note: Retention based on 60-day requirement for certain body worn camera recordings (RCW 42.56.240).</i>	Retain for 60 days after date of recording <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE09-01-09 Rev. 5	Recordings from Mobile Devices – Incident Not Identified (Non Body Worn Cameras) Recordings, created by the law enforcement agency using mobile recording devices (other than body worn cameras), and whether manually or automatically triggered, that are <i>not known</i> to have captured a unique or unusual incident or action from which litigation or criminal prosecution is expected or likely to result. Includes, but is not limited to mobile recordings such as: • Dashcam (or any other device mounted on the inside or outside of the vehicle – car, motorcycle, boat, all terrain vehicle (ATV), bike, scooter, etc.); • Dogcam (on an animal's body – canine, equine, etc.); • Drone (unmanned aerial vehicle or any other remote controlled equipment). Excludes records covered by: • <i>Intercepted Communications/Conversations – Recorded (DAN LE2010-075);</i> • <i>Recordings from Mobile Devices – Buffered Data/Images (DAN LE2017-001);</i> • <i>Recordings from Mobile Devices – Incident Identified (DAN LE09-01-08);</i> • <i>Recordings from Mobile Devices – Incident Not Identified (Body Worn Cameras) (DAN LE2016-001).</i>	Retain for 90 days after date of recording <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.1 CASE MANAGEMENT

The activity of managing the agency's cases and investigations. Unless specifically indicated, series cover records of both adults and juveniles.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2013-008 Rev. 0	<i>Suspicious Matter Testing</i> Records relating to the testing of suspicious matter or substances, such as green vegetable matter, for identification purposes. Includes, but is not limited to: • Test requisitions; • Testing and analysis notes, data, and reports (findings of fact reports, leaf marijuana test notes, etc.). Excludes: • Records covered by <i>Suspicious Matter Testing – Logs (DAN LE2013-009)</i>; • Testing reports and other testing records that are part of a case file.	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2013-009 Rev. 0	<i>Suspicious Matter Testing – Logs</i> Logs used to track requisitions received by the law enforcement agency for the testing of suspicious matter. Excludes records covered by <i>Suspicious Matter Testing (DAN LE2013-008)</i> .	Retain for 3 years after date of latest entry <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE2022-011 Rev. 0	<i>U-Visa / T-Visa Records</i> Records relating to the law enforcement agency's involvement with U-visas for victims of crime and T-visas for victims of human trafficking.	Retain for 6 years after last contact with individual <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE07-01-03 Rev. 1	Career Criminals Records relating to repeat offenders who have been identified as career criminals. Excludes records which are part of a case file.	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE14-01-01 Rev. 1	Confidential Informants Records relating to individuals with confidential informant status who provide information to the agency on a confidential basis.	Retain until termination of confidential informant status <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM
LE07-01-04 Rev. 2	Crime Analysis Files Records relating to analyses used to anticipate, prevent, or monitor potential criminal activity.	Retain for 1 year after completion of analysis <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE12-01-08 Rev. 2	Field Interrogation Reports Limited informational reports compiled and/or created by officers in regard to persons or vehicles that appear suspicious at the time or place of contact but do not immediately result in arrest or prolonged detention. Excludes records covered by <i>Custodial Interrogation Recordings (DAN LE2022-004)</i> .	Retain for 1 year after date of report <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-074 Rev. 0	<i>Intelligence Files</i> Criminal intelligence files created or accumulated by agency personnel in the course of investigating suspected or alleged criminal activity. Includes records relating to the provision of special security (for dignitaries, witnesses, etc.).	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-075 Rev. 0	<i>Intercepted Communications/Conversations – Recorded</i> Records relating to private communications and/or conversations obtained from non-consenting parties authorized by a superior court judge in accordance with RCW 9.73.040. Includes, but is not limited to: • Authorization(s); • Recordings.	Retain until disposition of pertinent case file <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-076 Rev. 0	<i>Intercepted Communications/Conversations – Not Recorded</i> Records relating to <u>unfulfilled</u> authorizations obtained from a superior court judge for the interception, transmission, or recording of communications or conversations with a non-consenting party.	Retain until expiration of authorization <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE14-01-02 Rev. 1	<i>Organized Crime</i> Records relating to the investigation of organized crime. Includes, but is not limited to: • Criminal Activity Profiles (CAPs); • Incidental documents; • Name/individual subject records.	Retain for 3 years after conclusion of investigation <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM



8.2 INTELLIGENCE

The activity of collecting information related to suspected or alleged criminal activity.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-078 Rev. 0	<i>Strip/Body Cavity Searches</i> Records relating to strip or body cavity searches performed in accordance with RCW 10.79.080 and/or RCW 10.79.150. Includes, but is not limited to: • Authorizations and warrants; • Statements of results/reports.	Retain for 6 years after date of search <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE03-01-40 Rev. 1	<i>Special Weapons and Tactics (SWAT)</i> Records relating to special or tactical operations planned and/or carried out by Special Weapons and Tactical (SWAT) units. Excludes SWAT records that are part of a case file.	Retain for 2 years after completion of mission/operation <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM
LE21-01-06 Rev. 1	<i>Vehicle Histories</i> Records relating to information compiled on vehicle types and/or models involved in criminal activities.	Retain until no longer needed for agency business <i>then</i> Destroy.	NON-ARCHIVAL NON-ESSENTIAL OFM



8.3 JUVENILE OFFENSE RECORDS ELIGIBLE FOR EARLY DESTRUCTION

This section covers juvenile records which may otherwise have a longer retention but are eligible for early destruction pursuant to RCW 13.50.270.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2015-008 Rev. 0	Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court Juvenile records identified by the Juvenile Court as eligible to be destroyed in accordance with <u>RCW 13.50.270(1)(b)</u> . Excludes the notification of eligibility <u>and</u> the records documenting the destruction of the juvenile records, which are covered by <i>Destruction of Public Records (DAN GS50-09-06 / GS 11005)</i> .	Upon receipt of notification of destruction eligibility from Juvenile Court, Destroy juvenile records within 90 days.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2015-009 Rev. 0	Juvenile Records – Pardon Notification Received from Office of the Governor Juvenile records relating to an individual who has been granted a full and unconditional pardon by the Governor , and where the Office of the Governor has notified the agency in accordance with RCW 13.50.270(2). Excludes the notification of pardon and the records documenting the destruction of the juvenile records, which are covered by <i>Destruction of Public Records (DAN GS50-09-06 / GS 11005)</i> .	Upon receipt of pardon notification received from the Office of the Governor, Destroy juvenile records within 30 days.	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2015-010 Rev. 0	Juvenile Records – Destruction Ordered by Court Juvenile records ordered to be destroyed by the court in accordance with RCW 13.50.270(3) or any (other) court order . Excludes the notification of destruction and the records documenting the destruction of the juvenile records, which are covered by <i>Destruction of Public Records (DAN GS50-09-06 / GS 11005)</i> .	Upon receipt of court order, Destroy juvenile records.	NON-ARCHIVAL NON-ESSENTIAL OPR



8.3 JUVENILE OFFENSE RECORDS ELIGIBLE FOR EARLY DESTRUCTION

This section covers juvenile records which may otherwise have a longer retention but are eligible for early destruction pursuant to RCW 13.50.270.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2015-011 Rev. 0	<i>Juvenile Records – Juvenile Attains Age 23</i> Records relating to juvenile offenses and diversions where the juvenile has attained 23 years of age <u>and</u> where the local government agency has developed procedures for the routine destruction of certain records pursuant to RCW 13.50.270(4). Excludes records documenting the destruction of the juvenile records, which are covered by <i>Destruction of Public Records (DAN GS50-09-06 / GS 11005)</i> .	Retain until juvenile attains 23 years of age <i>then</i> Destroy according to agency policy/procedures.	NON-ARCHIVAL NON-ESSENTIAL OPR



9. LEGACY RECORDS

This section covers records no longer being created/received by law enforcement agencies, where the existing records have not yet reached their minimum retention period or been transferred to Washington State Archives.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2022-009 Rev. 0	<i>Legacy Arrest Register Volumes and Mug Shot Books</i> Previously compiled volumes of arrests and mug shots prior to contemporary management of criminal history records. Excludes contemporary records covered by <i>Criminal History Record Information (DAN LE07-01-05)</i> .	Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR



GLOSSARY

Appraisal

The process of determining the value and disposition of records based on their administrative, legal, and fiscal use; their evidential and informational or research value; and their relationship to other records.

Archival (Appraisal Required)

Designation for public records that may possess enduring legal and/or historical value and must be appraised by the Archives. Such records are to be evaluated, sampled, and weeded according to archival principles by Archives staff. Records appraised as non-archival may be destroyed after their retention has been met.

Archival (Permanent Retention)

Designation for public records that possess enduring legal and/or historical value and must not be destroyed. State government agencies must transfer these records to the Archives at the end of their minimum retention period. Local government agencies must either transfer these records to the Archives or retain and preserve them according to archival best practice until transferred to the Archives. Other than removing and disposing of duplicates, the Archives will not sample, weed, or otherwise dispose of records with this designation.

Disposition

Actions taken with records when they are no longer required to be retained by an agency. Possible disposition actions include transfer to the Archives and destruction.

Disposition Authority Number (DAN)

Control number for a specific records series in a retention schedule that authorizes a retention period and disposition action for records belonging to that series.

Essential Records

Public records that agencies must have in order to maintain or resume business continuity or to document the legal standing and rights of individuals and organizations. While the retention requirements for essential records may range from very short-term to archival, these records are necessary for an agency to resume its core functions following a disaster. Security backups of these public records should be created and may be deposited with the Archives in accordance with chapter 40.10 RCW. Copies of master indexes, lists, registers, tracking systems, databases, and other finding aids should also be transferred with the records.



Local Records Committee

Committee established by RCW 40.14.070 to review and approve disposition of local government records through records retention schedules. The Committee's three members include the State Archivist and one representative each from the Office of the Attorney General and the State Auditor.

Non-Archival

Designation given to public records that do not possess sufficient historical value to be designated as "Archival." Agencies must retain these records for the minimum retention period specified by the appropriate current records retention schedule. Agencies should destroy these records after their minimum retention period expires, provided the records are not required for litigation, public records requests, or other purposes required by law.

Non-Essential Records

Public records which are not required in order for an agency to resume its core functions following a disaster, as described in chapter 40.10 RCW.

OFM (Office Files and Memoranda)

Public records not defined and classified as official public records in RCW 40.14.010 and other documents or records as determined by the records committee to be office files and memoranda.

OPR (Official Public Records)

Public records necessary to document transactions relating to public property, public finances, and other agency business, or records determined by the records committee to be official public records.

Public Records

Records that have been created or received by any government agency in Washington State in connection with the transaction of public business regardless of physical form or characteristics.

Records Series

A group of records performing a specific function, which is used as a unit, filed as a unit, and may be transferred or destroyed as a unit. A records series may consist of a single type or a number of different types of documents that are filed together to document a specific function.

State Records Committee

Committee established by RCW 40.14.050 to review and approve disposition of state government records. Its four members include the State Archivist and one representative each from the Office of the Attorney General, Office of the State Auditor, and the Office of Financial Management.



INDEXES

ARCHIVAL RECORDS INDEXES

See the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule for additional “Archival” records.

COMMUNICATIONS

Information Dissemination

Uniform Crime Reporting (UCR)/National Incident Based Reporting (NIBR) ... 14

CORRECTIONS AND JAILS

Inmate Movement

Facility Registers 20

Inmate Security and Control

Inmate Custody Files – Notorious/Historically Significant Inmates 24

Population Counts (Inmate) 25

EMERGENCY MANAGEMENT

Search and Rescue

Mission Files – Search and Rescue 30

INVESTIGATION

Case Management

Case Files – Homicides (Solved) 49

Case Files – Homicides (Unsolved), Missing Persons (Not Found), and

Unidentified Bodies 50

Case Files – Other Cases (Notorious/Historically Significant) 52

Criminal History Audit Reports 54

Major Accident Response and Reconstruction (MARR) 59

Intelligence

Career Criminals 66

Crime Analysis Files 66

Organized Crime 67

Special Weapons and Tactics (SWAT) 68

LEGACY RECORDS

Legacy Arrest Register Volumens and Mug Shot Books 71

ESSENTIAL RECORDS INDEX

See the Local Government Common Records Retention Schedule (CORE) / State Government General Records Retention Schedule for additional “Essential” records.

CORRECTIONS AND JAILS

Inmate Movement

Facility Registers 20

INVESTIGATION

Case Management

Case Files – Homicides (Unsolved), Missing Persons (Not Found), and

Unidentified Bodies 50

Criminal History Record Information – Non-Conviction Data 55



DISPOSITION AUTHORITY NUMBERS (DANS) INDEX

LE03-01-08	40	LE14-01-02	68	LE2010-035	20	LE2010-076	68
LE03-01-12	43	LE14-01-29	24	LE2010-036	21	LE2010-077	59
LE03-01-18	14	LE15-01-09	17	LE2010-037	21	LE2010-078	69
LE03-01-32	11	LE15-01-15	20	LE2010-038	23	LE2010-086	24
LE03-01-38	8	LE15-01-17	17	LE2010-042	27	LE2010-095	42
LE03-01-39	49	LE15-01-25	19	LE2010-043	27	LE2013-001	7
LE03-01-40	69	LE15-01-26	28	LE2010-044	29	LE2013-002	12
LE03-01-47	14	LE15-01-30	20	LE2010-045	22	LE2013-003	32
LE05-01-04	37	LE15-01-39	25	LE2010-046	30	LE2013-004	35
LE05-01-07	38	LE15-01-40	22	LE2010-048	31	LE2013-005	45
LE06-01-03	10	LE15-01-46	18	LE2010-049	34	LE2013-006	39
LE06-01-04	59	LE15-01-47	21	LE2010-052	41	LE2013-007	56
LE06-01-07	12	LE15-01-56	25	LE2010-053	41	LE2013-008	66
LE06-01-08	12	LE15-01-59	29	LE2010-054	41	LE2013-009	66
LE07-01-02	55	LE15-01-62	29	LE2010-055	41	LE2013-010	58
LE07-01-03	67	LE15-01-63	28	LE2010-057	45	LE2015-003	26
LE07-01-04	67	LE15-01-64	28	LE2010-058	40	LE2015-004	27
LE07-01-05	56	LE15-01-67	29	LE2010-060	53	LE2015-005	6
LE07-01-06	43	LE17-01-01	33	LE2010-061	51	LE2015-008	70
LE07-01-08	37	LE17-01-02	33	LE2010-062	50	LE2015-010	70
LE07-01-11	55	LE17-01-03	34	LE2010-063	52	LE2015-011	71
LE07-01-12	36	LE17-01-06	34	LE2010-064	54	LE2016-001	64
LE09-01-08	63	LE17-01-10	35	LE2010-065	54	LE2017-001	62
LE09-01-09	65	LE17-01-11	35	LE2010-066	55	LE2022-002	31
LE12-01-01	10	LE20-01-03	38	LE2010-069	57	LE2022-003	46
LE12-01-03	50	LE2010-025	7	LE2010-070	58	LE2022-004	57
LE12-01-04	54	LE2010-026	8	LE2010-071	60	LE2022-005	15
LE12-01-05	10	LE2010-031	13	LE2010-072	60	LE2022-006	16
LE12-01-08	67	LE2010-032	14	LE2010-073	61	LE2022-007	11
LE12-01-13	44	LE2010-033	17	LE2010-074	68	LE2022-008	59
LE14-01-01	67	LE2010-034	19	LE2010-075	68	LE2022-009	72



LE2022-010	48	LE21-01-04	44	LE25-01-01	8
LE2022-011	66	LE21-01-06	69	LE26-01-02	9
LE21-01-02	44	LE22-01-03	20	LE27-01-04	9



SUBJECT INDEX

Note: The use in this index of "CORE/SGGRRS" refers to the Local Government Common Records Retention Schedule / State Government General Records Retention Schedule.

A

ACCESS (WACIC/NCIC) validations	14
activity logs (floor/block/unit)	20
admission registers (correction facilities)	20
agreements	<i>see CORE/SGGRRS</i>
alarm call response	10
Alcohol, Tobacco and Firearms (ATF) forms	31
alien firearm licenses	32
all terrain vehicle (ATV) recordings	
buffered data/images	61
incident identified	62
incident not identified	64
animals (agency-owned)	9
anti-harassment orders	36
arrest registers (legacy)	71
asset management	<i>see CORE/SGGRRS</i>
auction reports	40
audio recordings	
intercepted communications	67
mobile devices	
buffered data/images	61
incident identified	62
incident not identified (body worn cameras)	63
incident not identified (other)	64
audits	<i>see also CORE/SGGRRS</i>
criminal history audit trail files	54
evidence	39

WSP findings	54
automated traffic safety cameras	41
automatic license plate recognition images	41
AVL data (not used)	11

B

background checks (non-criminal)	6
backups	<i>see CORE/SGGRRS</i>
bed assignments	25
bicycles (property registration)	8
block watch	7
boat inspections	45
body worn camera (BWC) recordings	
buffered data/images	61
incident identified	62
incident not identified	63
booking reports/recaps	21
budgeting	<i>see CORE/SGGRRS</i>
buffered data/images (recordings)	61
bulletins (daily)	14
business watch	7

C

cameras	
automated traffic safety	41
mobile recordings	

buffered data/images	61
incident identified	62
incident not identified (body worn cameras)	63
incident not identified (other)	64
traffic safety	41
canine	
certification	9
mobile recordings	
buffered data/images	61
incident identified	62
incident not identified	64
career criminals	66
case	
assignment control	49
logs	53
case files	
homicides (solved)	49
homicides (unsolved)	50
missing persons (not found)	50
other cases	
notorious/historically significant	52
routine	53
sex offenders and sexually violent offenses	51
unidentified bodies	50
census tract/grid maps	10
CHRI (criminal history record information)	55
non-conviction data	55
validations (from WSP)	14
citations/notices of infraction	
blank forms	



issued to officer.....	43
unissued	<i>see CORE/SGGRRS</i>
issued to violators	
driving under the influence (DUI).....	42
others	43
collision reports	44
commissary orders.....	17
community corrections work crews.....	29
complaints.....	<i>see CORE/SGGRRS</i>
peace/corrections officers.....	46
computer-aided dispatch (CAD) information.....	11
concealed pistol license applications.....	33
confidential informants	66
contracts	<i>see CORE/SGGRRS</i>
court disposition information	53
court order (juvenile records destruction)	69
court orders/warrants/writs	36, 37
crime	
analysis files	66
prevention programs	7
reports	14
criminal activity profiles (CAPs)	67
criminal history (audit trails/reports)	54
criminal history record information (CHRI).....	55
non-conviction data.....	55
validations (from WSP)	14
custodial sexual abuse allegations (PREA)	26
custody records	
inmate (age 18 and over).....	22
inmate (under age 18)	23
notorious/historically significant	24

D

daily bulletins.....	14
dangerous individuals/premises (dispatch)	11
dashcam (mobile recording)	
buffered data/images	61
incident identified.....	62
incident not identified	64
dealer firearm purchase/transfer requests	34
death-related case files	
homicides	
solved	49
unsolved	50
natural causes/suicides	
historically significant.....	52
routine.....	53
destruction of juvenile records (early).....	69
diagnostic images	
inmates 18 and over	19
inmates under age 18	19
diet orders (inmate).....	17
discharge registers	20
discipline	
inmates	22
other employees.....	<i>see CORE/SGGRRS</i>
peace/corrections officers.....	46
dispatch radio transmissions	10
disposition (court).....	53
disposition of evidence/property	56
dockets/process logs.....	37
dog certification	9
dogcam (mobile recording)	
buffered data/images	61
incident identified.....	62

incident not identified	64
drawings (accident scenes)	59
driving under the influence (DUI) (citations)	42
drones (mobile recordings)	
buffered data/images	61
incident identified.....	62
incident not identified	64

E

earnings disposition	22
electronic monitoring	
age 18 and over	15
under age 18.....	16
equal employment opportunity complaints	
other employees.....	<i>see CORE/SGGRRS</i>
peace/corrections officers.....	46
evidence audits	39
evidence/property in custody.....	56
executions against personal property	38
expulsion notices	45
expungement/sealing/vacation (of records)	57
extradition.....	20

F

facilities	<i>see CORE/SGGRRS</i>
facility registers.....	20
field interrogation reports	66
financial records.....	<i>see CORE/SGGRRS</i>
finding of facts (testing of suspicious matter)	65
fingerprint	
analysis	57



records.....	55
requests (public)	7
firearms	
agency-issued (to officer)	9
alien licenses.....	32
dealer licenses	34
floor logs	20
food services	
general.....	17
special dietary requirements	17
forfeited property (to agency)	40
free issue (inmate)	18

G

gift (of weapons)	9
Governor's pardon	69
GPS data (not used)	11
grants	<i>see CORE/SGGRRS</i>
green vegetable matter (testing)	65
grievances	<i>see also CORE/SGGRRS</i>
peace/corrections officers.....	46
sexual abuse in custody (PREA)	26
guns (agency-issued).....	9

H

hawker licenses.....	35
health records	
employees	<i>see CORE/SGGRRS</i>
inmates	19
home detention	
age 18 and over	15

under age 18.....	16
homicide case files	
solved.....	49
unsolved	50
horses (agency-owned).....	9
house watch.....	7
human resources	<i>see also CORE/SGGRRS</i>
personnel records (peace/corrections officers) .	47

I

identification of suspicious matter	65
impounds/abandoned vehicles.....	44
in/out logs	
evidence/property.....	56
inmate.....	20
in-car recordings	61, 62, 64
incident	
reports	<i>see case files</i>
reports received	12
information systems	<i>see CORE/SGGRRS</i>
inmate	
classification	22
conversation recordings (phone/video/etc.)	
case-specific	27
not case-specific.....	27
custody files.....	22, 23
notorious/historically significant.....	24
discipline	22
health records.....	19
inspections	
cell/unit	24
mail/property	25

receipt of items (logs).....	18
requests	28
security recordings	28
surveillance logs	24
transfers.....	21
inquiry logs (NCIC).....	54
inspections	
evidence room	39
officer roll call	48
pawnbroker/secondhand dealer	35
vessel	45
weapons (agency issued).....	9
intelligence files	67
intercepted communications/conversations.....	67
internal review	
routine	58
investigational conversations	
recordings	58
transcriptions.....	58
investigations	
background	
alien firearm license	32
concealed pistol license	33
for employment purposes.....	6
criminal case management.....	49, 69
funds expended (investigative)	59
intelligence	66
investigative funds	59
issue (of weapons)	9

J

juvenile records destruction (early)	69



K

kites (inmate requests) 28

L

laboratory tests (inmates)..... 19
latent prints 49, 50, 51, 52, 53, 57
leaf marijuana test notes 65
leave..... *see CORE/SGGRRS*
legal affairs..... *see CORE/SGGRRS*
license
 concealed pistol 33
 firearm 32
 firearm dealer 34
 solicitor/hawker/peddler..... 35
license plate images (automatic) 41
local jail reports 20
lock-outs 8
logs
 case tracking 53
 civil/criminal processes received by agency 37
 crash data (MARR) 59
 criminal case assignments 49
 evidence/property..... 56
 impound 44
 National Crime Information Center (NCIC)..... 54
 radio..... 12
 service (court orders/warrants/writs) 37
 suspicious matter testing..... 65
logs (inmate)
 activity (floor/block/unit) 20
 phone..... 20

population 25
receipt of items..... 18
surveillance/inspection..... 24
work release 29
loss (of weapons) 9

M

mail delivery/services
 agency..... *see CORE/SGGRRS*
 inmates 25
major accident response (MARR) 59
maps, census tract/grid 10
meal counts..... 17
medical records (inmate) 19
meetings *see CORE/SGGRRS*
menus/diet orders 17
misconduct
 other employees..... *see CORE/SGGRRS*
 peace/corrections officers..... 46
missing persons case files 50
mission files (search and rescue) 30
mobile recording devices 61, 62, 63, 64
monitoring (sex offenders) 38
motor vehicles *see CORE/SGGRRS*
mug shots..... 55
 books/volumes (legacy) 71

N

National
 Crime Information Center (NCIC) 14, 54
 Incident-Based Reporting (NIBR) 14

Instant Criminal Background Ck Sys (NICS)... 36, 37
no-contact orders 36
non-consensual recordings (intercepted) 67
non-emergency phone calls/reports 12
notice of destruction eligibility (juvenile records) .. 69
notices
 CHRI validation (from WSP) 14
 of infraction
 automated traffic camera 41
 issued to officer (blank)..... 43
 issued to violators 42, 43
 of sale (property seizure)..... 40
 suspension/expulsion/trespass 45

O

oaths of office 47
off-duty authorizations 47
offense reports *see case files*
orders, commissary 17
organized crime 67

P

pardon (Governor's) 69
pass-on logs (inmate)..... 24
pawnbroker/secondhand dealer 35
payroll *see CORE/SGGRRS*
peddler licenses 35
personnel records
 other employees..... *see CORE/SGGRRS*
 peace/corrections officers..... 47
phone calls (inmates)



activity logs	20
conversation recordings	
case-specific	27
not case specific	27
policies/procedures	<i>see CORE/SGGRRS</i>
polygraph tests	
criminal investigation	60
employment related	6
population counts (inmate)	25
post-incident analysis (routine)	58
prison rape elimination act (PREA)	26
property	
forfeited (to agency)	40
in custody	56
registration	8
seizure/disposition	40
protection orders	36
public disclosure	<i>see CORE/SGGRRS</i>
public records requests	<i>see CORE/SGGRRS</i>
publications	<i>see CORE/SGGRRS</i>
purchases (commissary)	17

R

radio	
logs	12
transmissions	10
razor logs (inmate)	18
receipt of	
blank citations (issued to officers)	43
item logs (inmate)	18
recordings	
body worn camera (BWC)	62

buffered data/images	61
incident not identified	63
buffered data/images	61
inmate conversations (phone/video/etc.)	
case-specific	27
not case-specific	27
intercepted communications	67
investigational conversations	58
license plate images	41
mobile units	61, 62, 63, 64
non-emergency/non-911	12
radio transmissions (dispatch)	10
security	
inmate	28
traffic safety cameras	41
records management	<i>see CORE/SGGRRS</i>
recurrent callers	12
registers, jail/detention facility	20
registration	
personal property	8
sex/kidnapping offender	
in agency jurisdiction	38
notification of inmate	21
release (inmate)	
community corrections (probation/parole) .	22, 23
discharge registers	20
notorious/historically significant	24
reports/recaps	20
work	29
reports	
alarm call response	10
collision	44
criminal history audits	54
daily (pawn slip files)	35

field interrogation	66
inmate booking/release	21
local jail	20
monthly UCR/NIBR	14
pawnbroker/secondhand dealer	35
population	25
testing of suspicious matter	65
requests	
dealer firearm purchase/transfer	34
expungement/sealing/vacation (records)	57
fingerprint analysis (outside agency)	57
fingerprints (public)	7
impounded vehicles	44
inmate	28
phone company (locator)	13
restrictive area orders	36
reverse automatic locator requests	13
ride-along program	8
risk management	<i>see CORE/SGGRRS</i>
roll call files	48
routine procedures/juvenile records destruction ..	70

S

sealing (of records)	57
search and rescue (mission files)	30
searches (strip/body cavity)	68
secondary dissemination logs	54
secondary employment authorizations	47
security	<i>see CORE/SGGRRS</i>
service provider requests	13
sex/kidnapping offender	
notification of inmate	21



registration, monitoring and contacts	38
sexual abuse in custody (PREA)	26
solicitor licenses	35
special	
diet orders (inmate)	17
police commissions	47
security	67
weapons and tactics (SWAT)	68
state hold notifications	29
strip/body cavity searches	68
suicide case files	
historically significant	52
routine	53
surveillance (inmate)	
logs	24
mail and property	25
recordings	28
suspension/trespass/expulsion notices	45
suspicious	
matter (testing)	65
persons/vehicles	66
SWAT	68

T

taser devices (agency-issued)	9
telecommunications	<i>see CORE/SGGRRS</i>
ten print/cards	57
testing	
inmate health	19
polygraph	
criminal investigation)	60
employment related	6

suspicious matter	65
timesheets	<i>see CORE/SGGRRS</i>
towed vehicles	44
traffic safety cameras	41
training	<i>see CORE/SGGRRS</i>
transfer	
of custody	21
registers	20
transitory records	<i>see CORE/SGGRRS</i>
transport lists (inmate)	21
travel	<i>see CORE/SGGRRS</i>
trending maps (census tracts)	10
trespass notices	45
trustee files/rosters	29
T-visas	65

U

unidentified bodies case files	50
Uniform Crime Reporting (UCR)	14
unit/activity logs	20
unmanned aerial vehicle (UAV) recordings	
buffered data/images	61
incident identified	62
incident not identified	64
use of force reports	
complaints/grievances/misconduct	46
routine	58
U-visas	65

V

vacation (of records)	57

validations (ACCESS/WACIC/NCIC)	14
vegetable matter test logs	65
vehicles	<i>see CORE/SGGRRS</i>
citizen lock-outs	8
collision reports to WSP	44
criminal activity histories	68
dashcam (mobile recording)	
incident not identified	64
impounds	44
license plate images	41
suspicious	66
vessel inspections	45
victims of crime (U-visas/T-visas)	65
video calls (inmates)	
activity logs	20
conversation recordings	
case-specific	27
not case specific	27
video recordings (mobile devices)	61, 62, 63, 64
voided tickets	43
volunteer work crews	29

W

warrant hold notifications	29
warrants	36, 37
weapons (agency-issued)	9
work crews	29
work release logs	29
writs	36, 37



X

x-ray images (inmate) 19

**Washington State Law Enforcement
Records Retention Schedule.pdf**

This schedule applies to: Law Enforcement Agencies

Scope of records retention schedule

This records retention schedule covers the public records of local law enforcement agencies relating to the functions of law enforcement, criminal case investigation, and the management of the agency's assets and human resources. It is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)* and other approved schedules that relate to the functions of the agency.

All current approved records retention schedules can be accessed online at: <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention), Permanent, or Non-Archival with a retention period of "Life of the Agency" must not be destroyed. Records designated as Archival (Appraisal Required) or Potentially Archival must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with chapter [42.56 RCW](#). Such public records must be managed in accordance with the agency's policies and procedures for public records requests.

In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies must take measures to ensure that the retention and disposition of public records is in accordance with current, approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on January 26, 2017.

Signature on File

For the State Auditor: Cindy Evans

Signature on File

For the Attorney General: Matt Kernutt

Signature on File

The State Archivist: Steve Excell

Capture.JPG

Incident Response.pdf

BREMERTON POLICE DEPARTMENT

CJIS/CHRI Data Breach Reporting

Incident Response

The security risk of both accidental and malicious attacks against government and private agencies, remains persistent in both physical and logical environments. To ensure protection of Criminal Justice Information (CJI), agencies shall:

- i. Establish operational incident handling procedures that include adequate preparation, detection, analysis, containment, recovery, and user response activities;
- ii. Track, document, and report incidents to appropriate agency officials and/or authorities.

Reporting Security Events

The Bremerton Police Department shall promptly report incident information to the ACCESS Information Security Officer (ISO) by email to ACCESS@wsp.wa.gov using the *FBI Security Incident Reporting Form* available on the ACCESS webpage:

http://www.wsp.wa.gov/secured/access/docs/access_cjis_security_incident_report.pdf to any authorities appropriate to the local agency.

Security events, including identified weaknesses associated with the event, shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the agency shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of events and weakness that might have an impact on the security of agency assets and are required to report any security events and weaknesses as quickly as possible to the designated point of contact.

Management of Security Incidents

A consistent and effective approach shall be applied to the management of security incidents. Responsibilities and procedures shall be in place to handle security events and weaknesses effectively once they have been reported.

Incident Handling

The agency shall implement an incident handling capability for security incidents that includes; preparation, detection and analysis, containment, eradication, and recovery. Wherever feasible, the agency shall employ automated mechanisms to support the incident handling process.

Incident-related information can be obtained from a variety of sources including, but not limited to; audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The agency should incorporate the lessons learned from ongoing incident handling activities into the incident response procedures and implement the procedures accordingly.

Collection of Evidence

Where a follow-up action against a person or agency after an information security incident involves legal action (either civil or criminal), evidence shall be collected, retained, and presented to conform to the rules for evidence laid down in the relevant jurisdiction(s).

Incident Response – Mobile Devices

In addition to the requirements in **Incident Response**, agencies shall develop additional or enhanced incident reporting and handling procedures to address mobile device operating scenarios. Rapid response to mobile device related incidents can significantly mitigate the risks associated with illicit data access either on the device itself or within online data resources associated with the device through an application or specialized interface.

Special reporting procedures for mobile devices shall apply in any of the following situations:

1. Loss of device control. For example:
 - a. Device known to be locked, minimal duration of loss
 - b. Device lock state unknown, minimal duration of loss
 - c. Device lock state unknown, extended duration of loss
 - d. Device known to be unlocked, more than momentary duration of loss
2. Total loss of device
3. Device compromise
4. Device loss or compromise outside the United States

Bremerton PD Policy Manual

Bremerton PD Policy Manual

INDEX / TOPICS

A

ACCIDENT, ILLNESS AND INJURY PREVENTION.	703
ADDRESS	
Maintain on file with Dept..	224
ADULT ABUSE.	163
Investigations.	468
ADVISEMENT	
RIGHT TO COUNSEL.	9
AIRCRAFT	
Accidents.	364
Ambulance.	416
Flying while armed.	113
Temporary flight restrictions.	221
AIRPORT INCIDENTS.	368
AMMUNITION.	108
ANIMALS	
Dangerous.	112
Euthanize.	112
Injured.	112
Line-of-duty deaths.	717
ANTI-RETALIATION.	621
APPOINTMENTS	
Community relations coordinator.	291
Exposure Control Officer.	631
Operations directo.	513
Press information officer (PIO).	220
ARRESTS	
Child and dependent adult safety.	266
Citations.	338
First amendment assemblies.	424
Log.	222
AUDIO/VIDEO RECORDING	
Holding cells.	602
AUDITS	
Case dispositions.	512
Public safety video surveillance.	265
AUTHORITY	
Canine handler.	132
Law enforcement.	9
AUTOMATED EXTERNAL DEFIBRILLATORS (AED).	416

B

BARRICADED SUSPECTS.	326
BICYCLE PATROL.	390
BIOLOGICAL SAMPLES	
Hazards.	367, 705
Sexual assault.	510
BODY ARMOR	
Suspects.	106
BOMBS.	331
Aircraft accidents.	367
MDC/MDT.	384
MDT/MDC.	383

C

CANINES	
Pursuits.	394
CASE NUMBERS.	216
CASH	
Custody.	602
CENCOM	
DISPATCH.	218
CHAIN OF COMMAND.	19
CHAPLAINS.	258
CHILD ABUSE	
Definitions.	174
CHILD ABUSE.	174
CHILD AND DEPENDENT ADULT SAFETY	266
CHILDREN	
Child safety.	266
Firearms.	111
Safety.	600
CITATIONS.	338
CIVIL DISPUTES.	426
CIVILIAN/NON-SWORN	
Crisis intervention incidents.	413
CIVIL SUBPOENA.	225
CIVIL SUITS.	226
CLANDESTINE LABS.	323
COMMAND STAFF	
Line-of-duty deaths.	706
COMMENDATIONS AND AWARDS.	657
COMMISSIONS.	10
COMMUNICABLE DISEASE	
Health orders.	315
COMMUNICABLE DISEASES	
First responders.	415
COMMUNICATIONS CENTER	
Foot pursuits.	397
Sexual assault.	508
COMMUNITY ADVISORY COMMITTEE.	294
COMMUNITY RELATIONS.	291
CONCEALED PISTOL LICENSE.	43

Bremerton Police Department

Bremerton PD Policy Manual

Bremerton PD Policy Manual

CONDUCT.	198
CONFIDENTIAL INFORMANTS	
Payment Procedure.	491
CONFIDENTIALITY	
Communicable disease information.	634
Custodial telephone calls.	600
Radio broadcasts.	383
CONTACTS AND TEMPORARY DETENTIONS	
Bias-based policing.	307
Warrant service.	515
CONTROL DEVICES.	83
CONTROL DEVICES.	83
CONTROL DEVICES	
Decontamination.	632
CORRESPONDENCE.	40
COURT APPEARANCES.	224
COURT ORDERS	
Citation releases.	338
Civil disputes.	426
Source testing.	634
Subpoenas.	224
COURTROOM PROTOCOL.	226
CRIME AND DISASTER SCENE	
INTEGRITY.	314
CRIME SCENE	
Processing.	493
CRIMINAL ACTIVITY REPORTING.	212
CRIMINAL INTELLIGENCE.	377
CRIMINAL ORGANIZATIONS.	377
CRIMINAL STREET GANGS.	377
CRISIS INTERVENTION INCIDENTS.	410

D

DAMAGE BY PERSONNEL.	212
DEATH	
Custody.	602
Native American Graves (NAGPRA).	283
DEBRIEFING	
Warrant service.	515
DECONFLICTION.	505
DEFECTIVE VEHICLES.	532
DEFINITIONS OF TERMS IN MANUAL.	14
DEPARTMENTAL DIRECTIVE.	30
DEPARTMENT OWNED PROPERTY.	526
DEPARTMENT PROPERTY	
Loss Or Damage.	527
DEPENDENT ADULTS	
Safety.	266, 600
DISABLED	
Motorist.	461
DISCLAIMER OF POLICIES.	14

DOMESTIC VIOLENCE.	141
DOMESTIC VIOLENCE BY LAW	
ENFORCEMENT EMPLOYEES.	688
DRIVING	
MDT/MDC.	382
DRUG- AND ALCOHOL-FREE	
WORKPLACE.	626

E

ELECTRICAL LINES.	362
ELECTRONIC CIGARETTES.	636
EMAIL.	38
EMERGENCY RESPONSE.	128
EMERGENCY UTILITY.	362
EMPLOYEE ASSISTANCE.	627
END OF WATCH REPORT.	29
ESCORTS	
Vehicle.	130
EVIDENCE	
NAGPRA.	284
Seizing recordings.	407
EXPLOSIONS.	334
EXPOSURE CONTROL	
Officer.	631
Reporting HAZMAT exposure.	320
EYEWITNESS IDENTIFICATION.	495

F

FACILITIES.	52
FALSE REPORT.	211
FIELD TRAINING OFFICER.	370
FIREARMS	
Open Carry.	51
Retiree carry.	48
FIRST AMENDMENT ASSEMBLIES.	420
FLYING WHILE ARMED.	113
FOREIGN COURT ORDERS.	144
FOREIGN DIPLOMATIC AND CONSULAR	
REPRESENTATIVES.	340
FORMS	
Eyewitness identification.	495

G

GANGS.	377
GROOMING STANDARDS.	676

H

Bremerton Police Department

Bremerton PD Policy Manual

Bremerton PD Policy Manual

HANDCUFFING AND RESTRAINTS	
Custody.	601
HAZARDOUS MATERIAL (HAZMAT)	
RESPONSE.	320
Aircraft accidents.	367
Precautions.	632
HAZARDS.	704
HOSTAGE AND BARRICADE INCIDENTS	
Rapid response and deployment.	349
HOSTAGES.	326

I

IDENTITY THEFT.	249
IMMUNIZATIONS.	633
IMPAIRED DRIVING.	452
INCIDENT COMMAND.	20
INDUSTRIAL ACCIDENT.	363
INDUSTRIAL ACCIDENTS.	363
INFORMATION TECHNOLOGY USE.	204
INJURY CLAIMS.	675
INSPECTIONS	
Accident, Illness and Injury Prevention 704, 704	
Exposure control.	631
Holding cells.	602
Personal protective equipment.	704
Supervisory.	26
INTERNAL AFFAIRS	
Personnel records.	654
INVESTIGATION AND PROSECUTION.	464

J

JURISDICTION	
Aircraft accidents.	365
JUVENILE INFORMANTS.	489
JUVENILES	
Use as Informants.	489

K

KEYS.	527
KINETIC PROJECTILES.	86
KNIVES	
Tactical Folding Knives.	81

L

LABOR DISPUTES.	242
LABS	
Clandestine.	323
LAW ENFORCEMENT AUTHORITY.	9
LAWSUITS.	226
LEGISLATIVE IMMUNITY.	433
LINE-OF-DUTY DEATHS.	706

M

MAIL BOX.	40
MASS ARREST.	240
MEAL PERIODS AND BREAKS.	660
MEDIA.	220
First amendment assemblies.	425
Operations plans.	507
Warrant service.	516
MEDIA REQUEST.	220
MEDICAL	
Accident, Illness and Injury prevention.	703
Adult involuntary detention.	166
For canines.	138
Opioid overdoses.	417
Releases.	416
Screening - custody adults.	600
MEDICAL	
Aircraft accidents.	364
MIRANDA WARNINGS	
ADVISEMENT OF.	9
MUTUAL AID.	228
First amendment assemblies.	423

N

NATIVE AMERICAN GRAVES (NAGPRA)	283
NOTIFICATIONS	
Pregnancy.	698
NOTIFICATIONS	
Aircraft accident.	365
Custody suicide attempt, death or serious injury.	602
Exposure control.	631
Impaired driving.	455
NAGPRA.	284

O

OATH OF OFFICE.	13
OC SPRAY.	85

Bremerton Police Department

Bremerton PD Policy Manual

Bremerton PD Policy Manual

OFFICE-IN-CHARGE	
Selection / Duties.	28
OFFICER-IN-CHARGE.	41
OFFICER RESPONSE TO CALLS.	128
OFFICER SAFETY	
Crime and disaster scene integrity.	314
Foot pursuits.	394
LEOSA.	48
Occupational hazards.	704
Seat belts.	649
Warrant service.	513
OPEN CARRY, FIREARMS.	51
OPERATIONS PLANNING AND	
DECONFLICTION.	503
ORDERS	
Compliance with.	18
OUTSIDE AGENCY ASSISTANCE.	228
OUTSIDE EMPLOYMENT	
Obtaining Approval.	667
Prohibited Outside Employment.	668
Security Employment.	669
OVERTIME	
Court.	226
OVERTIME PAYMENT.	663

P

PATROL AREAS / SECTOR.	41
PATROL FUNCTION.	304
PEPPER SPRAY.	85
PERSONAL APPEARANCE.	676
PERSONAL PROPERTY.	526
Loss Or Damage.	527
PERSONAL PROTECTIVE EQUIPMENT	
Hazardous material response.	320
PERSONNEL RECORDS.	653
PHOTOGRAPHS	
Aircraft accidents.	366, 366
First amendment assemblies.	421
Photo lineups.	497
PHYSICAL AND MENTAL	
EXAMINATIONS.	659
PLANNING	
Strategic Plan.	32
POLICE POWER ACT.	228
POLICY MANUAL.	14
PREGNANCY	
Custody.	602
PRESS INFORMATION OFFICER (PIO).	220
PRIVACY EXPECTATIONS	
MDT/MDC.	381
PRIVATE PERSONS ARRESTS.	464

PROMOTIONAL PROCESS.	618
PROPERTY AND EVIDENCE.	547
PROPERTY PROCEDURES	
Property Booking.	548
PROTECTED INFORMATION.	567
PUBLIC RECORDING OF LAW	
ENFORCEMENT ACTIVITY.	406
PUBLIC RECORD REQUEST.	565
PUBLIC SAFETY VIDEO SURVEILLANCE	263
PURSuits	
Foot.	394

R

RADIO COMMUNICATIONS.	218
RAPID RESPONSE AND DEPLOYMENT.	344
RECORDS BUREAU	
Administrative hearings.	457
RECORDS RELEASE	
Media.	222
Public safety video surveillance.	265
RECORDS REQUESTS	
Personnel records.	655
RECORDS RETENTION	
Accident, Illness and Injury Prevention.	705
Oath of office.	13
Personal protective equipment.	543
RECRUITMENT AND SELECTION.	610
RELIGION	
Accommodations in custody.	601
NAGPRA.	283
REPORT CORRECTIONS.	216
RETALIATION PROHIBITED.	621
REVIEW BOARD	
Force.	67
REVIEWS	
Crisis intervention incidents.	414
Exposure control plan.	631
Eyewitness identification process- annual.	495
RIDE-ALONG.	316
Eligibility.	316
RISK ASSESSMENT.	503

S

SAFETY	
Canine.	536
First responder.	314
Inspections (occupational).	704
Media.	221
Occupational.	703

Bremerton Police Department

Bremerton PD Policy Manual

Bremerton PD Policy Manual

Personal protective equipment.	540
Temporary flight restrictions.	221
SAFETY EQUIPMENT	
Seat belts.	649
SART.	508
SEARCH & SEIZURE.	148
SEARCHES	
Crime scene.	314
SEARCH WARRANTS.	513
SECONDARY WORK PERMIT.	667
SECTORS	
Patrol.	41
SECURITY	
Personnel records.	654
SECURITY EMPLOYMENT.	669
SMOKING AND TOBACCO USE.	636
SOCIAL MEDIA.	300
SPEED MEASURING DEVICES.	436
STAFFING.	41
STAFFING LEVELS.	41
STANDARDS OF CONDUCT.	198
STRATEGIC PLAN.	32
STRIKES	
LABOR DISPUTES.	242
SUBPOENAS	
Civil Subpoenas.	224
SUCCESSION OF COMMAND.	19
SUPERVISION	
First Line.	23
SUPERVISION DEPLOYMENTS.	41
SUSPICIOUS ACTIVITY REPORTING.	429
SWEEPS.	359

T

TECHNOLOGY USE.	204
TELEPHONE	
Required.	224
TRAFFIC.	432
TRAFFIC FUNCTION AND RESPONSIBILITY.	432
TRAFFIC SIGNAL.	362
TRAINING	
Anti-Retaliation.	623
TRAINING	
Adult abuse.	168
AED.	417
Communicable disease.	635
Custody.	603
Fair and objective policing.	308
Firearms.	111
First amendment assemblies.	425

Hazardous materials.	705
Occupational safety.	705
Operation planning and deconfliction.	507
Opioid medication.	418
Personnel records.	654
Public safety video surveillance.	265
Rapid response and deployment.	348
Social media.	302
Warrant service.	516
TRAINING, COMMUNITY RELATIONS.	295
TRAINING, CRIMINAL ORGANIZATIONS	379
TRAINING, PROTECTED INFORMATION.	569
TRANSFER PROCESS.	618

U

UNITY OF COMMAND.	19
UNLAWFUL ASSEMBLY.	423
UNMANNED AERIAL SYSTEM.	518
USE OF SOCIAL MEDIA.	300
UTILITY SERVICE.	362

V

VEHICLE ESCORTS.	130
VEHICLE MAINTENANCE.	532
VEHICLE STOP	
TRAFFIC STOP.	437
VIDEO RECORDINGS	
First amendment assemblies.	421
VIDEO RECORDING SEE AUDIO/VIDEO RECORDING.	263

W

WARNINGS	
Canine.	134
WARRANT SERVICE.	513
WASHING OF VEHICLES.	533
WATCH COMMANDERS.	409
WATER LINES.	362
WORKPLACE ACCIDENTS.	363