

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

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### **CHIEF'S PREFACE**

This manual sets forth the standards, values, and expectations of the Port of Seattle Police Department. Its policies and procedures are based on law and best practices of our industry. They exist to provide the necessary guidance to help us complete our purpose to protect and ensure safe passage through our gateways.

The policies of this department promote world-class professional law enforcement services, fair processes, the sanctity of life, and the rights guaranteed by our state and nation's constitutions. They enable our members to achieve the best possible outcomes for all involved.

It is the responsibility of each member of the Department to know and comply with the Manual's rules and provisions. However, it is impossible to address every situation and contingency. Employees shall make reasonable decisions based on our guiding principles of leadership, accountability, and integrity, and the department's decision-making model:

### **MAKING THE RIGHT DECISION**

*Is it the right thing for the public and the Port's stakeholder's?*

*Is it the right thing for the Department?*

*It is ethical? Is it legal?*

*When practical, have those being impacted by the decision been considered and consulted?*

*Is it something for which you are willing to be held accountable?*

*If the answer to all of these questions is "Yes", then go ahead and make the decision.*

CHIEF MICHAEL VILLA

# Port of Seattle Police Department

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

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### VISION AND PURPOSE

#### VISION:

"The Port of Seattle Police Department... A world-class law enforcement agency.

Providing excellence in public safety through impeccable character, dedicated professional staff, innovative technology, equipment, and a state-of-the-art facility."

#### PURPOSE:

We exist to protect and ensure safe passage through our gateways.

We enable continuity of business for the Port of Seattle by providing law enforcement and Counter Terrorism services.

- By being Service-Oriented with travelers and customers
- By ensuring Employee Wellbeing and Safety
- By Building Strong Partnerships (Internally and Externally)
- By demonstrating Anti-Terrorism Expertise

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## **Chapter 1 - Law Enforcement Role and Authority**

## Canons of Police Ethics

### 100.1 PURPOSE AND SCOPE (CALEA 1.1.2)

The Chief is responsible for specifying a standard uniform of dress and establishing all necessary rules of conduct and discipline. Such rules and standards shall generally follow state and regional industry standards.

To that end the department has adopted an Oath of Honor and Canons of Police Ethics. All employees shall abide by the oath and canons or face disciplinary action. Ethics training will occur at a minimum, biennially.

### 100.2 CANONS OF POLICE ETHICS

- (a) Primary responsibility of job. The primary responsibility of the police service and of the individual officer is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will, and is never the arm of any political party or clique.
- (b) Limitation of authority. The first duty of a law enforcement officer as upholder of the law is to know its bounds upon them in enforcing it. Because they represent the legal will of the community, be it local, state, or federal, they must be aware of the limitations and prescriptions which the people, through law, have placed upon them. They must recognize the wisdom of the American system of government, which gives to no person, groups of people, or institution, absolute power, and they must ensure that they, as a prime defender of that system, do not subvert its character.
- (c) Duty to be familiar with the law and with responsibilities of self and other public officials. Law enforcement officers shall assiduously apply themselves to the study of the principles of the laws which they are sworn to uphold. They will make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when they are not clear. They will make special effort to fully understand their relationship to the public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.
- (d) Utilization of proper means to gain proper ends. Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

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### *Canons of Police Ethics*

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- (e) Cooperation with public officials in the discharge of their authorized duties. The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of political affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves of the propriety under the law of such actions, and shall guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they shall seek guidance from their superior officer, giving them a full report of the proposed service or action.
- (f) Private conduct. Law enforcement officers shall be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expression of either disrespect for the law or seeking to gain special privilege, reflects unfavorably upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special perquisites. It does give the satisfaction and pride of following and furthering the tradition of safeguarding the community. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard them as an example of stability, fidelity, and morality.
- (g) Conduct toward the public. Law enforcement officers, mindful of their responsibility to the whole community, shall deal with the individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official life in such a manner as to inspire confidence and trust. Thus, they will be neither overbearing nor subservient, for no individual citizen has an obligation to stand in awe of them, nor a right to command them. The officer will give service where they can and require compliance with the law. They will do neither from a personal preference or prejudice, but rather as a duly appointed officer of the law discharging their sworn obligation.
- (h) Conduct in arresting and dealing with law violators. Law enforcement officers shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen. Their office gives them no right to prosecute the violator, nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of their responsibilities and limitations regarding detention of the suspect. They shall conduct themselves in such a manner that will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to service and the equitable upholding of the laws, whether in the handling of law violators or in dealing with the law abiding.
- (i) Gifts, favors, and gratuities. The law enforcement officer bears the heavy responsibility of maintaining, through their own conduct, the honor and integrity of all government institutions. They shall therefore guard against placing themselves in a position in which any person can expect special consideration, or in which the public may assume

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### *Canons of Police Ethics*

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that special consideration is being given. Thus, they should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

- (j) Presentation of Evidence. The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. Law enforcement officers shall take pains to increase their perception and skill of observation, mindful that, in many situations, theirs is the sole impartial testimony to the facts of the case.
- (k) Attitude toward profession. Law enforcement officers shall regard the discharge of their duties as a public trust and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office, and hold police work to be an honorable profession rendering valuable service to their community and their country.

### **100.3 PORT OF SEATTLE CODE OF CONDUCT**

Employees shall adhere to Port of Seattle policies and procedures including the Port of Seattle Code of Ethics & Workplace Conduct (available electronically via the Port's internal network, on the "Compass" page, under "Policies and Procedures" and/or via clicking on the following link: <https://www.portseattle.org/sites/default/files/2018-07/port-code-of-conduct-master.pdf>).



## Law Enforcement Authority

### 101.1 PURPOSE AND SCOPE (CALEA 1.2.1)

The purpose of this policy is to affirm the authority of the members of the Port of Seattle Police Department to perform their functions based on established legal authority. The Port of Seattle Police Department was established by Port of Seattle Commission Resolution #2573. The authority of each Port Police Officer is derived from this resolution and the applicable chapters of the Revised Code of Washington (RCW). This authority is conferred by the commission, issued by the Chief, and enhanced by the Mutual Aid Peace Officers Powers Act of 1985.

### 101.2 POLICY

It is the policy of the Port of Seattle 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.

#### 101.2.1 DUTY TO IDENTIFY AS A PEACE OFFICER

With few exceptions, officers shall provide as soon as practicable their name and badge number verbally, or in writing whenever requested. Members may use a department-issued business card containing their name and badge number to fulfill the request for information. Members shall also show their commission card and badge when specifically requested to do so.

Examples of exceptions to the requirement to immediately identify include, but are not limited to:

- When doing so jeopardizes an investigation
- When doing so hinders a police function
- When there is a safety consideration

Any circumstance where a member does not comply with a request to identify shall be thoroughly documented in an incident report.

### 101.3 PEACE OFFICER POWERS (CALEA 1.2.1, 1.2.5)

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law and shall be considered peace officers as defined by RCW 9A.04.110(13) and 9A.04.110(15). The arrest authority of the Port of Seattle Police Department includes (RCW 10.31.100):

- (a) When a peace officer has probable cause to believe that a person has committed or is committing a felony, the officer shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer,

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### *Law Enforcement Authority*

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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).

- (c) A peace officer may arrest a person in compliance with an arrest warrant.

#### **101.3.1 OTHER POLICE COMMISSIONS**

Police commissions from other law enforcement agencies may be issued to Port Officers. No officer may accept a commission from another agency without prior notice and permission from the Chief of the Port of Seattle Police.

#### **101.4 CONSTITUTIONAL REQUIREMENTS (CALEA 1.2.3)**

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

## Law Enforcement Certification

### **102.1 PURPOSE AND SCOPE**

All sworn officers employed by the Port of Seattle Police Department shall receive certification by WSCJTC 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

### **103.1 PURPOSE AND SCOPE (CALEA 1.1.1)**

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

### **103.2 POLICY**

It is the policy of the Port of Seattle 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.

### **103.3 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).

The oath is as follows:

"I \_\_\_\_\_, do solemnly swear that I will faithfully and impartially perform the duties of my office as prescribed by law and to the best of my ability. I will abide by the Law Enforcement Code of Ethics and rules and regulations of the Port of Seattle Police Department. I will uphold the Constitution of the United States and Constitution of the State of Washington, so help me God".

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.

### **103.4 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 and Procedure Manual

## 104.1 PURPOSE AND SCOPE (CALEA 12.2.1, 12.2.2)

The policy / procedure manual of the Port of Seattle Police Department is hereby established and, for the purposes of this chapter, shall be referred to as "the manual." The manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

Procedures for carrying out department activities are contained within this manual, applicable Port of Seattle policy and procedure directives, and the orders described in the POSPD **Department Directives and Orders** Policy which include General Orders, Bureau Operational Orders, Division Operational Orders, Special Orders and Training Bulletins.

### 104.1.1 DISCLAIMER

The provisions contained in this 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 Port of Seattle Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Port of Seattle, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Port of Seattle Police Department reserves the right to revise any policy content, in whole or in part.

### 104.1.2 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations

**CJTC** - The Criminal Justice Training Commission (see also, "WSCJTC").

**Command Team** - The Chief of Police, Deputy Chiefs, Commanders, and Communications Manager form the *Command Team*.

**Department/POSPD** - The Port of Seattle Police Department.

**DOL** - The Department of Licensing

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**Employee/Personnel** - Any person employed by the Department.

**Executive Team** - The Deputy Chiefs and Chief of Police form the *Executive Team*.

**Juvenile** - Any person under the age of 18 years.

**Leadership Team** - Sergeants ("Watch Commanders") and non-sworn supervisors form the *Leadership Team*.

**Manual** - The Port of Seattle Police Department Policy Manual

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person who is employed or appointed by the Port of Seattle Police Department including sworn officers, non-sworn employees and volunteers.

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

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

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

**Port** - The Port of Seattle

**Rank** - The job classification held by an officer.

**RCW** - The Revised Code of Washington

**Shall or Will** - Indicates a mandatory action.

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

**USC** - United States Code

**WAC** - The Washington Administrative Code

**WSCJTC** - The Washington State Criminal Justice Training Commission (at times shortened to simply, "CJTC").

**WSP** - The Washington State Patrol

#### **104.2 POLICY**

Policies and procedures for carrying out department activities are contained within this manual, including directives, orders, and bulletins as described in the POSPD **Directives and Orders** 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.

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#### **104.3 RESPONSIBILITIES**

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Any changes to the manual may be made only with the approval of the Office of the Chief or designee. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

##### **104.3.1 CHIEF OF POLICE**

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives or manual updates, 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 or are discontinued. The term "Office of the Chief" shall refer to the Chief of Police and the Deputy Chiefs of Police.

##### **104.3.2 PROFESSIONAL STANDARDS AND DEVELOPMENT COMMANDER**

The Professional Standards and Development Commander or designee shall review all recommendations regarding proposed changes to the manual to ensure they do not contradict other existing agency directives or applicable law. This commander or designee will then make necessary recommendations to the Office of the Chief. At the discretion of the Chief of Police, proposed recommendations for changes to the manual may be presented for consideration to the Command Team.

The Command Team shall consist of the following:

- Chief of Police
- Deputy Chiefs of Police
- Commanders
- Communication Center Manager

##### **104.3.3 OTHER PERSONNEL**

All department employees suggesting revision of the contents of the manual shall forward their suggestion via the chain of command, in writing, to their commander who will consider the recommendation and forward to the Professional Standards and Development Commander.

#### **104.4 POLICY MANUAL FORMAT**

The purpose of this section is to provide an example of the manual layout as well as examples of abbreviations and definitions used in the manual. The policy manual contains chapters, policies, sections, subsections, and ordered lists as shown below.

POLICY MANUAL

CHIEF'S PREFACE

LAW ENFORCEMENT CODE OF ETHICS

MISSION AND VISION STATEMENTS

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#### Table of Contents

#### Chapter 1

#### Policy 100

#### Section 100.1

#### Subsection 100.1.1

#### Ordered list (a)

#### 104.4.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- (a) Departmental Directives may be abbreviated as "DD".
- (b) Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X".

#### 104.4.2 DISTRIBUTION OF MANUAL

Hard copies of the manual shall be updated as needed and made available at the following locations:

- (a) Police Department Resource Area
- (b) Communications Center
- (c) Waterfront Office

The term "Police Department Resource Area" noted above refers to the work / copy area outside of the office of the Chief of Police.

An electronic version of the manual will be stored and made available on the department computer network for access by all employees. The electronic version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from the Office of the Chief.

#### **104.5 POLICY MANUAL ACCEPTANCE**

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. Each member is required to sign a Statement of Receipt acknowledging they have received an electronic copy of the manual and understand they are responsible to read and become familiar with its contents.

#### 104.5.1 REVISIONS TO THE MANUAL

All employees are responsible for keeping abreast of all manual revisions. The most current policy and procedures manual will be posted and accessible on the Department Intranet (e.g. in SharePoint). The Office of Professional Standards will forward revisions to the manual to each employee via the Department Intranet and/or other Port network accessible system. Each employee shall promptly review and acknowledge the revisions and seek clarifications as needed.



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Each commander/manager will ensure employees under their command are made aware of any manual revisions in a timely manner.

## **Chapter 2 - Organization and Administration**

# Administrative Communications

## 200.1 PURPOSE AND SCOPE

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

## 200.2 PERSONNEL ORDERS

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

### 200.2.1 INTRADEPARTMENTAL PERSONNEL ORDERS

Intradepartmental Personnel Orders may be issued by a Bureau Chief or Division Commander to announce and document internal reassignment of personnel in circumstances where there are no fiscal implications associated with the employee's movement. The receiving Division Commander is responsible for assuring the Personnel Order is completed prior to the transfer of an employee to their respective division.

## 200.3 CORRESPONDENCE

To ensure letterhead and the name of the department are not misused, all external correspondence shall be on department letterhead. Personnel shall use department letterhead only for official business and with supervisory approval.

- (a) All correspondence shall follow established Port of Seattle formats.
- (b) Correspondence to other chiefs of police or department heads of any agency or company must be signed by the Chief of Police.
- (c) Correspondence stating Port of Seattle Police Department policy, committing staffing or Port of Seattle funds shall be signed by the Chief of Police.
- (d) Division commanders and unit heads may sign correspondence addressed to their counterparts whenever the subject matter is of a routine business nature.

### 200.3.1 BUSINESS CARDS

The department will, as necessary, furnish business cards to employees who interact with the public. The business cards will be uniform in appearance and comply with all applicable Port of Seattle printing standards. Cards shall be formatted with the employee's name, primary duty position/rank, address, telephone number, and other relevant contact information. Employees may also elect to have additional descriptors such as Marine Patrol Unit, Bike Team, SWAT, K-9, and BDU printed on their business cards subject to the approval of the employee's Division Commander.

## 200.4 SURVEYS

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

# Department Directives and Orders

## **201.1 PURPOSE AND SCOPE (CALEA 12.2.1, 12.2.2)**

Departmental Directives and Orders establish an interdepartmental communication system that may be used by the Chief of Police, or with Chief's approval, by other Command Team members, to make immediate changes to policy and procedure and/or memorialize dissemination of guidance. Departmental Directives and Orders will immediately modify or change and supersede sections of this manual to which they pertain.

### **201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL**

Departmental Directive revisions will be incorporated into the policy manual upon approval of the Chief of Police or designee. These revisions will modify existing policies or create a new policy as appropriate.

The Professional Standards and Development Commander, or designee, will be responsible for any needed purging or revising of the manual. "Policy Manual Update" emails and Lexipol notifications shall be used to announce policy revisions to department members. Distributed policy manual updates will show policy revisions to include new language (highlighted) and purged language (strikethrough).

Policy manual updates issued via Departmental Directive will be indexed numerically and shall be titled and numbered consecutively starting with the update number "01", followed by the year. For example, #01-2020 signifies the first Departmental Directive for the year 2020.

The Professional Standards and Development Commander shall also ensure the master electronic version of the policy manual is revised with the release of each policy manual update.

### **201.1.2 DISSEMINATION AND RECEIPT OF DIRECTIVES / ORDERS**

The Office of Professional Standards will forward revisions to the manual via the Department Intranet and/or other Port network accessible system. Each employee shall promptly review and acknowledge the revisions and seek clarifications as needed. Each commander / manager will ensure employees under their command are made aware of all manual revisions in a timely manner. An employee's acknowledgement of revisions will be maintained by the Office of Professional Standards.

In the event there is an imperative need for immediate distribution of a critical Departmental Directive / Order, the directive or order may be routed by the Office of Professional Standards via e-mail to all department employees with read and delivery receipts. These features are designed to provide verification an individual has received, and will review, the directive / order included in the e-mail. If applicable, these directives / orders will be incorporated into the manual during a future policy revision.

## **201.2 RESPONSIBILITIES**

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### *Department Directives and Orders*

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#### 201.2.1 CHIEF OF POLICE

The Chief of Police or designee shall approve all Departmental Directives and Personnel, General, and Special Orders.

#### 201.2.2 BUREAU CHIEFS

A Bureau Chief or designee shall approve all Bureau Operational Orders.

#### 201.2.3 DIVISION COMMANDERS

A Division Commander shall approve all Division Operational Orders.

#### 201.2.4 PROFESSIONAL STANDARDS AND DEVELOPMENT COMMANDER

The Professional Standards and Development Commander or designee shall approve all Training and Legal Information Bulletins.

#### 201.2.5 COMMAND TEAM

At the discretion of the Chief of Police or designee, proposed recommendations for changes to the manual may be presented for consideration to the Command Team.

#### 201.2.6 OFFICE OF PROFESSIONAL STANDARDS

The Office of Professional Standards (OPS) serves as the department's central coordination point for policy / procedure development, manual updating, and directive / order creation and dissemination.

#### 201.2.7 OFFICE OF PROFESSIONAL DEVELOPMENT

The Office of Professional Development (OPD) oversees the creation and publishing of all Training and Legal Information Bulletins.

### **201.3 DIRECTIVES, ORDERS, AND BULLETINS**

- (a) **Department Directives:** Department Directives are issued on behalf of the Chief of Police or designee through OPS to announce or change Department policies or procedures. Department Directives shall be distributed to all Department employees. Directives may be of a temporary or self-canceling nature, may be canceled upon inclusion in the next edition of the Manual, or may be permanent documents. The Professional Standards and Development Commander shall be responsible for publishing, distributing and maintaining a file of current Directives.
- (b) **Department Personnel Orders:** Department Personnel Orders (POs) are issued by the Chief of Police or designee through the Administrative Division to announce changes in the status or movements of personnel.
- (c) **General Orders:** General Orders are written notices of procedural guidance issued by the Chief of Police or designee and applicable to any identified organizational component. General Orders shall remain in effect until canceled or published in the policy manual.

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### *Department Directives and Orders*

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- (d) **Bureau Operational Orders:** Bureau Operational Orders are written notices of policy or procedure issued by a Bureau Chief and applicable only to employees working in that bureau.
- (e) **Division Operational Orders:** Division Operational Orders are written notices of policy or procedure issued by a Division Commander and applicable only to employees working in that division.
- (f) **Special Orders:** Special Orders set forth policies or procedures concerning a specific circumstance or event. They may be of a temporary or self-canceling nature, and may involve only specific segments of department activities. The Chief of Police or designee authorizes Special Orders.
- (g) **Training Bulletins:** Training Bulletins may be issued to supplement department manuals. When policy, procedure or rules are definitively stated in a Training Bulletin, such matters shall have the force and effect of department policy. Training Bulletins shall be authorized by the Professional Standards and Development Commander or designee and published and maintained by OPD.
- (h) **Legal Information Bulletins:** Legal Information Bulletins shall be authorized by the Professional Standards and Development Commander or designee and issued by OPD to provide legal background and guidance, including changes in the law, recent court decisions and interpretations.

## Electronic Mail

### 202.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the department electronic mail (e-mail) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Washington Public Disclosure Act). Messages transmitted over the e-mail system must primarily only be those involving official business activities or containing information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the department. However, as indicated in Port of Seattle Policies and Procedures LE-2, the incidental and occasional personal use of electronic messaging is permitted.

### 202.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, 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, transmitted over its e-mail system or is stored on any department system.

The e-mail 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 e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information related to the official business of the department.

### 202.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the entire department are only to be used for official business related items of particular interest to all users and must be approved by the Chief of Police or a Division Commander. 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.

### 202.4 MANAGEMENT OF E-MAIL

Users of e-mail are solely responsible for the management of their mailboxes. Messages should be checked daily and purged manually by the on-duty user at least once a week.

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E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail messages should be managed by their category in compliance with the current Local Government Common Records Retention Schedule (CORE). The CORE and/or Local Government General Records Retention Schedule (LGGRS) are the controlling schedule for records retention and management (RCW Chapter 40.14).

#### 202.4.1 E-MAIL NOTIFICATION

To facilitate timely notification of critical department information, correspondence may be routed via e-mail to all department employees with the read receipt option activated.

Upon receiving e-mail with the read receipt option activated, employees shall respond "Yes" to the read receipt.

All employees will ensure their e-mail account is set to accept the read receipt option. In addition, employees will not block e-mail from other department employees whereby they avoid receiving critical internal e-mail notifications.

#### **202.5 PORT OF SEATTLE ELECTRONIC MAIL POLICIES AND PROCEDURES**

Employees shall adhere to Port of Seattle Policies & Procedures which are accessible through the Port's internal network, on the, "Compass" page under, "Policies and Procedures".



# Emergency Management Plan

## 203.1 PURPOSE AND SCOPE

The Port of Seattle has prepared Emergency Management Plan Manuals for the Airport, Seaport, and Pier 69, for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. These manuals provide for a strategic response by all employees and assigns specific responsibilities in the event a plan is activated.

The Port of Seattle Emergency Management Plans are written in accordance with the State of Washington's comprehensive emergency management plan and program, and have been approved for local use (RCW 38.52.070). These plans provide guidance for Port of Seattle emergency operations within and outside its borders.

## 203.2 POLICY

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

The Port of Seattle 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 Port of Seattle emergency operations within and outside its borders.

### 203.2.1 PORT OF SEATTLE CODES

An emergency management organization has been established by the Port of Seattle. This ordinance has been approved by the Port of Seattle Commission (WAC 118-30-040).

## 203.3 ACTIVATING THE EMERGENCY PLAN

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

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

### 203.3.1 PERSONAL CONTACT INFORMATION

All employees shall maintain accurate personal contact information with the department to include a physical home address, mailing address, if different, and telephone number. All changes shall be immediately communicated to the Payroll Police Specialist via email.

## 203.4 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

The emergency plan manuals are available electronically on the Port of Seattle Compass website and via hard copy adjacent to hard copies of the POSPD Policy Manual in the Chief's Resource Area, in the Communications Center, at the Waterfront Office, in the Port of Seattle Emergency Communications Center (ECC), and in the Port of Seattle Mobile Command Vehicle (MCV). All

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supervisors should familiarize themselves with the Airport Emergency Plan, Seaport Emergency Response Plan, and Pier 69 Emergency Plan and the roles police personnel will fill.

#### **203.5 BUILDING EVACUATION PLAN**

In the event of a disaster or emergency which requires evacuation of the public safety services building, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees (WAC 296-24-567).

#### **203.6 TRAINING**

Department members shall receive initial training on the Site Specific Safety plans during their health and safety orientation. Refresher training on Port of Seattle and department safety/disaster plans shall be conducted as identified in the annual training needs assessment.

# Fiscal Management, Budget, Purchasing and Inventory Control

## 204.1 FISCAL MANAGEMENT

### 204.1.1 AUTHORITY AND RESPONSIBILITY FOR FISCAL MANAGEMENT

The Chief of Police, with approval of the Chief Executive Officer of the Port of Seattle, has the ultimate departmental authority and responsibility for the fiscal management activities of the Port of Seattle Police Department, as set forth in Port Policy and Procedure EX-2. The EX-2 Policy sets forth the purchasing authority for the respective ranks within the department.

The department shall maintain accounts and records of financial transactions in the manner prescribed by Port of Seattle policy and the Central Procurement Office. The Services Bureau Deputy Chief shall manage the departmental fiscal activities. Specific tasks, to include coordinating and directing day-to-day fiscal operations and accounting activities; purchasing and contract activities; budget preparation, and payroll entry and processing, may be delegated to the Administrative Services Division and the Professional Standards and Development Division.

### 204.1.2 BUDGET PROCESS

The department participates in the Port of Seattle corporate budgeting process. The budget process, including scheduled activities, types and use of forms and instructions for preparing new budgets, are set forth annually by the Port of Seattle's Chief Executive Officer on the Budget Homepage.

The Services Bureau Deputy Chief is responsible for the coordination and administration of the budget process for the department.

During the second quarter of each calendar year, budget recommendations for the following budget year shall be solicited from police department commanders, managers and sergeants. These entities shall prepare and submit written budgetary recommendations for their respective Divisions and Units.

These recommendations shall be forwarded through the chain of command to the Services Bureau Deputy Chief. This Deputy Chief, in conjunction with the Department's Command Team, shall review and evaluate the submitted budget recommendations to determine if they should be included in the annual budget.

The Port of Seattle's Monthly Responsibility Statement process shall be used for the tracking and management of the department's annual budget.

### 204.1.3 PURCHASING

All purchases of agency equipment and supplies will be made in accordance with Port policies and the Central Procurement Office purchasing procedures as set forth in the Port of Seattle's "Procedures for Procurement of Goods & Services" policy (CPO-5) and the policies set forth on the Port of Seattle's intranet "Purchasing Page".

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### *Fiscal Management, Budget, Purchasing and Inventory Control*

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#### **PURCHASING PROCEDURES:**

- (a) **Standardized Purchases** - In general, for standard purchases, the department uses purchase requisitions, contract payment requests, check requests, or a "P-Card", depending on the nature of the purchase. Departmental purchases are processed through Fleet and Supply. Dollar amount limits and other specifications regarding standardized purchases are set forth in the Port of Seattle's "Procedures for Procurement of Goods & Services" policy (CPO-5).
- (b) **Bidding Process** - Procedures for purchases using the bidding process are set forth in Port of Seattle CPO-5, section five.
- (c) **Criteria for the Selection of Vendors and Bidders** - These procedures are set forth in Port of Seattle CPO-5, section five.
- (d) **Emergency Purchase or Rental of Equipment** - In the event that an emergency necessitates the additional purchase or rental of equipment in a dollar amount that exceeds the monetary authority of a division commander, the affected division commander shall forward the request to the Office of the Chief for approval prior to the purchase or rental of the needed assets.
- (e) **Requests for Supplemental or Emergency Appropriations** - In the event that supplemental or emergency appropriations are needed, the Chief of Police shall make the request for a contingency fund transfer by submitting a Contingency Budget Request to the Port of Seattle's Chief Executive Officer for approval.

#### **204.1.4 CASH FUND - ACCOUNT MAINTENANCE (CALEA 17.4.2)**

To fulfill operational needs, the police department utilizes the below listed cash funds:

- 1. Investigative Cash Fund
- 2. Drug Interdiction Cash Fund

All cash funds and accounts within the police department where personnel receive, maintain or disburse cash will be handled in a way adhering to the following standards:

- (a) A system, such as a ledger or balance sheet that identifies initial balance, cash received, cash disbursed, and the balance on hand.
- (b) Receipts or documentation for cash received.
- (c) Authorization from the Chief of Police or designee for cash disbursement for amounts in excess of \$500.
- (d) Receipts or documentation for cash expenditures.
- (e) Quarterly reconciliation of cash accounts.

The CID Commander or CID Sergeant have authority to disburse and collect cash from the CID Investigative Cash Fund and Drug Interdiction Cash Fund.

#### **204.2 INVENTORY CONTROL**

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#### 204.2.1 INVENTORY CONTROL OF AGENCY PROPERTY

The department is responsible for inventory control of all equipment and vehicles purchased and utilized by the department.

The primary point of contact for purchasing and acquisition by the department is Fleet and Supply. Fleet and Supply is also responsible for inventory control of department durable goods.

Inventory is tracked using an equipment management database using available information, to include:

- (a) Date acquired and issued.
- (b) Replacement date.
- (c) Description, including serial number.
- (d) Location (bureau, division, individual).
- (e) Port tag number.

#### 204.2.2 INVENTORY OF ISSUED DEPARTMENT EQUIPMENT

An inventory of personal equipment issued by the Fleet and Supply is electronically maintained in the equipment management database and includes but may not be limited to:

- (a) Portable radios
- (b) Firearms
- (c) Body armor
- (d) Flashlights
- (e) Restraints
- (f) Badges
- (g) Cameras
- (h) Tasers
- (i) Special team equipment

## Form Development and Publication Procedure

### 205.1 PURPOSE AND SCOPE

To establish and ensure procedures for the creation, evaluation and consolidation of department forms and to provide an efficient process for the approval of department forms.

### 205.2 AUTHORIZED FORMS

Only department authorized forms will be used by department personnel.

### 205.3 FORM DEVELOPMENT AND REVISION

The following process shall be used for the development or revision of a department form.

- (a) Any member may propose the creation, revision or consolidation of forms that would increase efficiency or effectiveness of the department.
- (b) Members shall forward the suggested form or recommended revisions through their commander to the Professional Standards and Development Commander.
- (c) The Professional Standards and Development Commander or their designee will review and evaluate the submitted form to check for proper function, whether the new form duplicates information already in use by other forms and whether it conflicts with other forms already in use. If appropriate, the reviewer will seek input from members who may be impacted by the use of the new form.
- (d) As necessary, the commander will present the draft form or revision to the Office of the Chief for final approval.
- (e) Once approved, the form will be adapted to the established Port of Seattle Police form format.
- (f) The new form will be made available to the appropriate bureaus and, if applicable, made available electronically on the Department's Intranet (e.g. on SharePoint).

# Goals and Objectives

## 206.1 PURPOSE AND SCOPE

Setting goals and objectives on a consistent basis is an important part of moving an organization forward. It helps ensure all employees have a common direction for which they can focus their efforts. It is one of the key steps in strategic planning and assessment. Goals and objectives provide a foundation to assess the progress of an organization and the impact of the work being done by its employees. They allow an organization to better direct its resources to be more efficient and effective.

The intent of this policy is to provide a standardized process for the development of goals and objectives as well as ensuring the progress on accomplishing them is tracked and reported on a regular basis.

## 206.2 DEFINITIONS (CALEA STANDARD 15.2.1)

**Goals** are high-level statements providing the overall context for what an organization is trying to accomplish. They are general statements describing the desired solution to a problem or issue. Goals describe future expected outcomes or states. They provide a sense of direction and purpose. They focus on ends rather than means.

**Objectives** are the specific statements describing how a goal will be accomplished. They are clear, realistic, specific, measurable, and time-limited statements of action which when completed will move the organization closer to the achievement of a goal. Objectives are usually written as subsets to goals. Therefore, two or more objectives may be associated with a single goal.

## 206.3 FORMULATION OF GOALS AND OBJECTIVES (CALEA STANDARD 15.2.1)

Each year the Chief of Police selects a Deputy Chief to establish the annual goals and objectives for the department and each of its major organizational components. These annual goals and objectives are formulated with the input of all department members. Once established, annual goals and objectives are approved by the Chief of Police and then reviewed with all department members.

## 206.4 PROGRESS TOWARDS GOALS AND OBJECTIVES

A written evaluation of progress made toward the attainment of goals and objectives will be prepared annually by the applicable Deputy Chief and submitted to the Chief of Police. This information will come from input provided by department members and the Command Team.

# Line Inspections

## 207.1 PURPOSE AND SCOPE

Line inspection is the process by which employee activity is observed to ensure the proper compliance with departmental procedures, rules and regulations. These inspections are not limited to persons, but also include member's inspection of physical resources and facilities used by the department. In such inspections the supervisor or inspecting member will, upon observing substandard conditions, take corrective action.

## 207.2 QUALIFIED APPLICANTS

The following categories shall be subject to line inspections.

- Personal Appearance

The inspection of personal appearance is the duty of all supervisors, made on an ongoing basis to ensure proper appearance, adherence to grooming standards and the proper wearing and use of issued uniforms and equipment of assigned personnel. Personnel who dress in civilian attire shall also be subject to the inspection of personal appearance.

If substandard appearance is observed, the supervisor will take appropriate corrective action. If repeated deficient appearance is noted, the supervisor may provide corrective action in the form of documented coaching, counseling, remedial training, etc. Supervisors shall follow-up with the subordinate to ensure that the deficiency has been resolved.

- Issued Equipment

As part of the annual work performance review for officers, issued equipment shall be inspected and the Issued Equipment Inspection Form shall be completed by the supervisor to ensure that all equipment assigned to the officer is serviceable and readily available for use. Procedures for replacing missing or unserviceable items are set forth in policy chapter 700 - Replacement of Issued Uniforms and Equipment.

- Vehicle Inspections

Patrol officers are responsible, on a daily basis, to inspect their assigned patrol vehicle to ensure that the vehicle is operationally ready for the watch. This inspection shall include a vehicle search, the general condition of the vehicle exterior and interior, vehicle supplies, radio equipment, rifle, emergency equipment, etc. The inspection shall be documented on the Vehicle Inspection Form. Any discrepancies found should be reconciled by the officer at the time of discovery, if possible. Any discrepancies that cannot be reconciled shall be noted on the Vehicle Maintenance Form to be routed to Fleet and Supply. New damage, missing critical equipment and other major discrepancies shall also be reported to the shift supervisor.

- Temporary Detention Room Inspections

Each officer shall conduct a security / sanitation inspection of the detention room prior to securing a detainee and after the subsequent removal of a detainee. This inspection shall be for contraband,



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safety defects and sanitation issues. Any safety or sanitation concerns that cannot be mitigated by the officer should be reported to an on-duty supervisor to be forwarded to the appropriate entity.

In addition, the department's workplace safety representative shall ensure that the quarterly Port of Seattle Health and Safety facility inspections, inclusive of the temporary detention facility, are completed.

The contracted janitorial service personnel shall also complete, at minimum, a monthly inspection for sanitation and maintenance issues. Any issues resulting from this inspection shall be forwarded to Fleet and Supply for resolution.

- Police Facility Inspection

All supervisors are responsible for the ongoing inspection of the general condition and cleanliness of the department's facilities and furniture, and, if needed, for reporting any problems to their Commander in writing.

In addition, the department's workplace safety representative shall ensure that the quarterly Port of Seattle Health and Safety facility inspections are completed and documented on the Health and Safety Workplace Inspection Form.

- Special Purpose Line Inspection

The Chief of Police may direct special purpose inspections on an as-needed basis. These documented inspections may include property room inspections and audits, emergency preparedness equipment inspections, stored equipment inspections, etc.

### **207.3 APPLICATION PROCESS AND RENEWAL**

Follow up to ensure that corrective action has been taken is the responsibility of both the member / supervisor noting the deficiency and, if applicable, the Commander or Manager to whom the deficiency was reported. Generally, corrective action taken to correct a deficiency should be documented. Situations where no documentation is needed may include instances where the member discovering the problem is able to reconcile it at the time of discovery.

# Office Appearance Standards

## 208.1 PURPOSE AND SCOPE

The department provides employee lockers, bulletin boards, offices/cubicles and other common use areas to facilitate efficient operations and information flow. Employees are prohibited from displaying on any locker, bulletin board, office/cubicle or other common use area, any material which may be perceived as a visual form of harassment.

### 208.1.1 EMPLOYEE LOCKERS

Employees are prohibited from affixing decals, taping pictures/posters or otherwise marking the exterior surfaces of any department locker. Locker exteriors will only be marked by authorized department personnel with the employee's name in the approved format.

Material affixed inside of lockers, which is visible when locker doors are open, must comply with the standards enumerated in this policy.

Employees are prohibited from placing items (e.g., boots, gym bags, etc.) on top of or outside of lockers. All employee items will be kept inside lockers. Employees shall secure locker doors to prevent unauthorized access in their absence.

### 208.1.2 BULLETIN BOARDS

All items posted on a bulletin board will be work related and approved by a supervisor. The supervisor authorizing the posting will initial and date the document and assign an expiration date for removal of the material.

NOTE: The department maintains bulletin boards for use by employee labor organizations. These boards shall be maintained by a representative of the labor organization in accordance with collective labor agreements.

The department also maintains bulletin boards for the communication of health and safety information to employees. Information posted on these boards will be closely monitored by the Department Health and Safety Officer and Professional Standards and Development Division Commander.

### 208.1.3 OFFICES, CUBICLES, AND COMMON USE AREAS

All pictures/posters not affixed to a bulletin board and displayed in an office, cubicle or common use area, must be framed and appropriate for the workplace.

Unframed pictures/posters are authorized to be displayed only on personal bulletin board areas of employee assigned offices and cubicles.

# Organizational Structure and Responsibility

## 209.1 PURPOSE AND SCOPE (CALEA 11.1.1)

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

### 209.1.1 CHAIN OF COMMAND AND EMPLOYEE RESPONSIBILITIES (CALEA 11.3.1)

The success of the organization requires responsibility be accompanied by necessary authority. The department will use a structured chain of command for communication and direction to all members. Authority to execute the required activities of the organization is delegated by the Chief of Police through the command structure to individual employees. At every level of the organization, employees are given the authority to make decisions necessary for the effective execution of their responsibilities.

Each employee, by virtue of their position in the department, will be held accountable for their overall performance and the use of their delegated authority in accomplishing the responsibilities of their position.

Each member will be responsible to only one supervisor at any time.

### 209.1.2 RANK AUTHORITY (CALEA 11.1.1, 12.1.2)

Orders, business, and operations of the department concerning enforcement and/or emergency operations shall function through the following hierarchy of rank, listed from highest to lowest:

- (a) Chief of Police
- (b) Deputy Chief of Police
- (c) Commander
- (d) Sergeant
- (e) Officer

Under normal day-to-day operations, the highest-ranking member on scene may exercise command over an incident.

## 209.2 BUREAUS

The Chief of Police is responsible for administering and managing the Port of Seattle Police Department. There are three bureaus in the department as follows:

- (a) Operations Bureau
- (b) Services Bureau
- (c) Special Operations Bureau

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#### 209.2.1 OPERATIONS BUREAU

The Operations Bureau is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Operations Bureau.

The Operations Bureau consists of the following:

- (a) Airport Patrol Division
- (b) Police Specialists - Patrol Scheduling and Support
- (c) Traffic Support Specialists
- (d) Waterfront Patrol Division

The following collateral assignments and special teams fall within the Operations Bureau and report to a Patrol Commander:

- Bicycle Team
- Crowd Management Unit (CMU)
- Hostage Negotiations Team (HNT)
- Marine Patrol Unit (MPU):
  - Dive Team
  - Boat Team
- Police Training Officer (PTO) Unit

#### 209.2.2 SERVICES BUREAU

The Services Bureau is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Services Bureau. The Services Bureau Deputy Chief will assume responsibility for the department's yearly development of its operational budget.

The Services Bureau consists of the following:

- (a) Communications and Technology
  - 1. 911 Dispatch Communications Center
  - 2. Technology
- (b) Office of Professional Accountability
- (c) Police Records Manager
  - Body-Worn Camera Program
  - Police Records
- (d) Standards and Professional Development
  - Fleet & Supply
  - Human Resources
  - Non-Sworn Supervisor

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- Office of Professional Development (OPD; i.e. Training)
- Office of Professional Standards (OPS; i.e. Policy and Accreditation)
- Payroll / Finance

#### 209.2.3 SPECIAL OPERATIONS BUREAU

The Special Operations Bureau is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Special Operations Bureau.

The Special Operations Bureau consists of the following:

- (a) Criminal Investigations Division
  1. Crime Analyst
  2. Drug Interdiction Unit
  3. General Investigations
  4. Outside Task-Force Assignments
  5. Property and Evidence
- (b) Homeland Security Division
  1. Bomb Disposal Unit (BDU)
  2. Emergency Management
  3. Explosive Detection K-9 Unit
  4. Intel / Joint Terrorism Task Force
  5. Special Weapons and Tactics (SWAT) Unit

#### 209.2.4 ORGANIZATIONAL CHART (CALEA 11.1.1)

The department's organizational chart will be maintained and updated as needed. Personnel wishing to access the most current version of the organizational chart will be able to do so by viewing it on the Department's Intranet (e.g. in SharePoint) and/or other Port network accessible system.

### **209.3 COMMAND PROTOCOL**

#### 209.3.1 DELEGATING AUTHORITY (CALEA 11.3.1A, 12.1.2 B-C)

In exceptional circumstances, a higher-ranking member may delegate specific authority to a subordinate based on the skills or expertise of that member or the situation at hand. Any subsequent orders given by the person receiving the delegation will be treated as if the superior officer had given the order. In these situations, the higher-ranking member will retain overall command of the incident but may delegate tactical, investigative, or other functional control of an incident.

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Where different departmental functions are engaged in a single operation, the highest-ranking member for each function will retain operational control over that function, however overall incident command, unless delegated, will be retained by the highest-ranking member on scene.

#### 209.3.1 DELEGATING AUTHORITY (CALEA 11.3.1A, 12.1.2B-C)

In exceptional circumstances, a higher-ranking member may delegate specific authority to a subordinate based on the skills or expertise of that member or the situation at hand. Any subsequent orders given by the person receiving the delegation will be treated as if the superior officer had given the order. In these situations, the higher-ranking member will retain overall command of the incident but may delegate tactical, investigative, or other functional control of an incident.

Where different departmental functions are engaged in a single operation, the highest-ranking member for each function will retain operational control over that function, however, overall incident command, unless delegated, will be retained by the highest-ranking member on scene.

#### 209.3.2 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 Deputy Chief 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 is as follows:

- (a) Patrol Division Commander
- (b) Criminal Investigations Division Commander
- (c) Administrative Services Division Commander
- (d) Leadership Team

#### 209.3.2 DEPARTMENT COORDINATION / COOPERATION

All Bureaus, Divisions, Squads, Teams, and Units will maintain communication with each other as a means of coordinating law enforcement services and increasing cooperation within the department. Coordination refers to the transmission and receiving of information between all departmental functions in the form of attendance at staff meetings, briefings, e-mail, voice-mail, reports, analysis, and so forth.

#### 209.3.3 ORDERS (CALEA 12.1.3)

Members shall obey any lawful order of superior officers and other proper authority to include any order relayed from a superior by an employee of the same or lesser rank. Employees who are given a proper order that is in conflict with a previous order, or established policy / procedure, shall respectfully inform the authority issuing the more recent order of the perceived conflict. If the department authority issuing the more recent order does not alter or retract the conflicting order, the more recent order shall stand.

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#### 209.3.3 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.

#### 209.3.4 SUCCESSION OF COMMAND (CALEA 12.1.2)

The Chief of Police exercises command over all personnel in the department. At the Chief's discretion, the Chief's authority shall be delegated to a designated Deputy Chief to serve as the Acting Chief of Police. Such delegation of authority shall be communicated pursuant to Port of Seattle Policy EX-2 Redlegation of Authority.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) **Rank Authority** as listed in the corresponding Section within this Policy
- (b) Rank Seniority by years of service to the Department within the department member's current Rank

#### 209.3.5 SUPERVISOR SPAN OF CONTROL

Supervisory personnel are accountable for the activities of employees under their immediate control.

Each organizational component is under the direct command of only one supervisor.

#### 209.3.6 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.

## Retired Officer CPL Endorsements

### 210.1 PURPOSE AND SCOPE

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

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

### 210.2 QUALIFIED RETIREES UNDER RCW 9.41.060

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

- (a) Has obtained an identification card from this department that has been signed by the Chief of Police and states that the officer was retired for service or physical disability.
- (b) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

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

### 210.3 QUALIFIED RETIREES UNDER 18 USC § 926 C

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

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

### 210.4 ISSUANCE OF RETIREE IDENTIFICATION CARD

An administrative specialist has been identified who is responsible for issuing identification cards to qualified retirees. The identification card issued to any qualified and honorably retired officer should minimally contain the following:

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name of the Port of Seattle Police Department.



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#### **210.5 ISSUANCE OF FIREARMS CERTIFICATE**

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

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

## Staffing Levels

### **211.1 PURPOSE AND SCOPE**

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

### **211.2 RECOMMENDED STAFFING LEVELS**

Recommended staffing levels should result in the scheduling of at least two Operations Sergeants on-duty whenever possible.

#### **211.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate training and other unforeseen circumstances, an officer may be designated as an acting Sergeant.

# Training

## 212.1 PURPOSE AND SCOPE

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

## 212.2 PHILOSOPHY

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

## 212.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical and tactical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Administer a training program that will meet the standards of federal, state (consistent with WSCJTC), and local training requirements.

## 212.4 TRAINING SERGEANT

The Chief of Police shall designate a Sergeant within the Office of Professional Development (OPD) who is responsible for developing, reviewing, updating, and maintaining the department's training plan so that required training is completed. The OPD Sergeant, or Training Sergeant, should review the training plan annually.

## 212.5 TRAINING PLAN (CALEA 33.5.1)

A departmental training plan for sworn employees will be developed and maintained by the Professional Development Sergeant. It is the responsibility of the Professional Development Sergeant to review and update the training plan on an annual basis. The plan will ensure, at minimum, the following training:

### (a) Annual Training

1. All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the following required WSCJTC Training ([WAC 139-05-300](#)):
  - Federal and Washington State court cases.
  - Legal updates.

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2. All sworn members will successfully complete annual training on the department's pursuit policy, use of force policy and deadly force policy.
3. All sworn members will qualify annually with their authorized firearms.
4. All sworn members will annually complete policy based immigration violation training consistent with Washington State Law and the POSPD **Immigration Violation** Policy.
5. All sworn members who carry TASERS will successfully complete annual TASER training.
6. All sworn members will annually receive Incident Command System (ICS) - based training on the department's emergency operation plans.
7. All sworn members acting in a first responder capacity will complete annual respirator fit-test / TB protection training.
8. All sworn members acting in a first responder capacity will complete annual blood-borne pathogen training.
9. All sworn members acting in a first responder capacity will complete annual heat exposure training.
10. All sworn members acting in a first responder capacity will complete annual hazardous materials refresher training.
11. All sworn members acting in a first responder capacity will complete policy based, annual rapid deployment training consistent with the POSPD **Rapid Response and Deployment (CALEA 46.1.10)** Policy.
12. All members will receive annual training on interacting with persons suffering from mental health issues to include successful completion of the WSCJTC's two-hour annual online crisis intervention course (RCW 43.101.427).
13. All members will successfully complete annual training on racial or bias-based profiling / policing.
14. All members will successfully complete annual training on the POSPD **Discriminatory Harassment (CALEA 26.1.3)** Policy.

#### (b) Biennial Training

1. All sworn members at the rank of sergeant or below will successfully complete biennial training on all applicable less lethal weapons (excluding TASER) and weaponless defensive tactics every two years.
2. Department personnel designated to fill key incident command positions during events and emergencies, or participate in planning for such events, will receive documented ICS related training consisting of tabletop and/or full-scale exercises.

#### (c) Triennial Training

1. 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

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and WAC 139-11-060. 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.

(d) **Quadrennial Training**

1. All sworn members will receive refresher quadrennial training on operating the Temporary Detention Facility.

Members who are promoted into first-line supervisor positions will successfully complete the First Level Supervision course offered by the WSCJTC, usually within one year of promotion.

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

In addition to the aforementioned, the plan will also address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

Any request for exemption, waiver, extension, or variance from any requirement of WSCJTC 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).

#### 212.5.1 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 WSCJTC (WAC 139-05-300).
  - (a) Successful completion of the WSCJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).
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 WSCJTC (RCW 43.101.350).

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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 WSCJTC 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).

#### **212.6 IN-SERVICE TRAINING DOCUMENTATION (CALEA 33.1.6)**

The Training Sergeant 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.

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

- (a) Date of training.
- (b) An overview of the course content and/or an instructor lesson plan.
- (c) Names and agency contact information of all attendees.
- (d) Instructor credentials or resume.
- (e) Any provided certificates of completion.
- (f) Individual attendee test results (if applicable).
- (g) Course completion roster.

#### **212.7 INDIVIDUAL DEVELOPMENT PLAN**

Each member shall complete an annual Individual Development Plan (IDP) with their supervisor during the initial Work Performance Review (WPR) interview.

##### **212.7.1 TRAINING DOCUMENTATION**

The use of any non-department controlled Port of of Seattle Police Department property for police training, shall be coordinated through the applicable Division Commander.

Documentation should include:

- (a) The date and time of training and location of the Port property.
- (b) The Port of of Seattle point of contact authorizing the use of the Port property.
- (c) Type of training and number of participants.
- (d) Presence of police vehicles, firearms, munitions, and simunitions.
- (e) Detailed risk assessment.

##### **212.7.2 TRAINING LESSON PLANS**

Lesson plans shall be completed for all training produced by the police department, to include on-line training. The department's authorized lesson plan coversheet shall be used when developing lesson plans. Lesson plans must be approved by the Professional Standards and Development

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Commander or designee prior to the training being conducted. Authorized lesson plans shall, at a minimum, contain the following information:

- (a) Training topic
- (b) Statement of performance and job related objectives
- (c) Content of the training
- (d) Instructional techniques to be used in the training
- (e) Tests, if any, used to measure student proficiency gained from the training
- (f) The name and signature of the member approving the training plan

#### **212.8 TRAINING REQUEST SUBMISSION / REVIEW / APPROVAL PROCESS**

Employees requesting training shall conform to the following procedures:

- (a) All requests for training shall be initially submitted to the employee's first-line supervisor using the Department's Training Request Form. The following information shall be included in the request:
  - 1. Location and date of training
  - 2. Sponsor or name of school
  - 3. Cost of tuition, lodging, meals, transportation, etc.
  - 4. Detailed written justification for training
  - 5. Written proposed work schedule
- (b) Upon receipt of the Training Request Form, the first-line supervisor will review the request for completeness. If information is lacking, the first-line supervisor will return the request to the employee identifying what information is needed.
- (c) Once a completed training request is received, the first-line supervisor will evaluate the request using the following criteria:
  - 1. The action shall be in the best interest of the department and consistent with the department training plan, and if training for a special team, assignment or program, consistent with that section's approved training plan.
  - 2. It shall be beneficial for the employee commensurate with their current assignment responsibilities and IDP.
  - 3. The approving first-line supervisor shall determine if minimum personnel requirements can be met and shall indicate so in the comments section of the form.
- (d) First-line supervisors have authority to directly approve their employee's attendance at training if it meets all of the following requirements:
  - 1. Occurs within the tri-county area of Snohomish, King, and Pierce counties.
  - 2. Any training event whose tuition is under the annually established, individual employee, training fund bank amount.

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3. Training which does not incur overtime.
  - Training with tuition in excess of the annually established, individual employee, training fund bank amount or requiring expenditure of overtime for an employee to attend and/or for backfill, or occurring outside the tri-county area, requires approval of a commander or above.
  - Personnel approved to attend training, where possible, will adjust their schedule to minimize overtime.
  - The employee is responsible for ensuring input of their adjusted training schedule into TeleStaff and for entering their hours into PeopleSoft. If after schedule adjustment a required work hour deficit exists within the payroll time period, the difference must be made up by leave and/or additional schedule modification.
- (e) In circumstances involving a member of a Special Team / Unit / or Training Cadre member submitting a request for training related to their special team / unit / or training cadre role, once the firstline supervisor has approved the training request, it will then be submitted to the applicable Special Team / Unit Sergeant or Training Cadre Program Manager for review and approval. After approval, the request will then be forwarded to the appropriate Special Team / Unit or Training Cadre Commander for review and approval.
- (f) Approved training requests are submitted to the Office of Professional Development for processing. The Office of Professional Development Police Specialist will provide the employee confirmation of their enrollment, scheduled attendance, lodging, travel itinerary, and other information from the training provider.

#### 212.8.1 OUT OF TRI-COUNTY AREA / STATE / COUNTRY TRAINING REQUESTS

All training occurring outside of the tri-county area of Snohomish, King, Pierce counties must be approved by a commander or above. Out-of-State training requires the request to be approved by a Deputy Chief. Training taking place out-of-country must be approved by the Chief of Police and Port of Seattle Chief Executive Officer.

#### 212.8.2 TRAINING REQUESTS DENIALS

If at any point in the review / approval process the training request is denied, the original request form will be forwarded to the Office of Professional Development. A copy of the denied request form will then be provided to the first-line supervisor who will return it in person to the employee.

### 212.9 TRAVEL EXPENSES

All travel expenses must be pre-authorized using the Port's Travel Authorization and Fund Advance Form. The supporting documents should be attached and submitted to the appropriate supervisor for approval (e.g. Commander and/or Deputy Chief). The authorization form will include cost of the training / conference / seminar, lodging, transportation, meals and mode of travel.

Upon completion of travel the employee will have ten days to submit a completed expense claim form with supporting documents and receipts to the Department Travel Coordinator-Police



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Specialist for input into Concur. After being scanned / faxed in the Concur system, all original receipts and supporting documents must be retained for six years to comply with the State Records Retention Schedule.

The final Concur document will be processed through the Administrative Supervisor who will verify all receipts and necessary documents have been properly submitted and will transmit to Corporate for final processing. If there are any questions or missing documents the Expense Report will be returned to the employee for correction.

Itemized receipts are required for all expenses. Any combined personal / Port travel must be pre-approved by the appropriate supervisor. Any non-Port expenses must be billed and paid separately and may not be paid using the Port Credit Card. Prior to travel, employees are encouraged to review and become familiar with Port travel requirements and regulations.

#### **212.10 REMEDIAL TRAINING (CALEA STANDARD 33.1.5)**

Remedial training is individualized instruction used to correct specific deficiencies in personnel performance. Generally, the need for remedial training is recognized during routine supervision of job performance, training or inspection.

State law and department policy mandate certain job related proficiencies shall be maintained. Remedial training may be required when department members do not meet department established standards in job performance or these required proficiencies.

Remedial training may be conducted by the supervisor or instructor noting the deficiency. The supervisor may also assign a member with requisite knowledge in the area of instruction to provide the training. If needed, the Office of Professional Development may be tasked with providing remedial training. Training will be completed as soon as practical after the deficiency is observed. The conduct of any remedial training shall be documented and forwarded to the Office of Professional Development for inclusion in the employee's training records.

Personnel shall attend all assigned remedial training. Failure to attend assigned training may result in disciplinary action.

#### **212.11 ENTRY-LEVEL ACADEMY TRAINING PROGRAM (CALEA 33.4.2)**

As part of the integration and reception process for newly hired, entry-level police officers, the Professional Development Sergeant ensures each student officer attending the WSCJTC's Basic Law Enforcement Academy (BLEA) is provided an orientation handbook and understands the BLEA's:

- Organization
- Rules and regulations
- Rating, testing, and/or evaluation systems
- Physical fitness and proficiency skill requirements
- How to obtain daily training schedules

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The WSCJTC is primarily responsible for the BLEA curriculum and delivery of student officer training while at the academy. However, the Professional Development Sergeant monitors the BLEA curriculum ensuring:

- The BLEA training is based on tasks applicable with the duties of a police officer.
- Evaluation techniques are used to measure competency in the required skills, knowledge, and abilities.

#### **212.12 TRAINING ATTENDANCE**

Attendance of assigned training, whether it be requested training or in-service training, is mandatory. Attending assigned training is the responsibility of the affected employee. Exceptions will be allowed on a case-by-case basis, with supervisor approval, and with arrangements for makeup training, if applicable. Exceptions may be allowed for:

- (a) Personnel with previously approved vacation or time off.
- (b) Reasonable excuses, such as illness or medical leave, personal emergency, police business emergency, court appearances, etc.
- (c) Physical limitations preventing the member's participation.

Unreasonable excuses or failure to attend scheduled training may result in disciplinary action.

##### **212.12.1 DOCUMENTING ASSIGNED TRAINING ABSENCES**

All excused assigned training absences, to include: vacation, sick, military leave, FMLA, light duty, other training, and so forth, are documented by the employee's supervisor utilizing the *Training Absence Form*. This form is located on SharePoint under department forms.

Workflow of the Training Absence Form is as follows:

1. Supervisor identifies a direct-report employee has an excused assigned training absence.
2. Supervisor completes the form and signs.
3. Next, the Training Absence Form is routed to the Supervisor's Commander for review and signature.
4. Commander then forwards completed form to OPD Sergeant.
5. OPD Sergeant ensures forms are filed with training rosters in the OPD annual binder of record.

#### **212.13 WEEKLY TRAINING BULLETINS**

Weekly Training Bulletins (WTBs) are contained in a web-accessed system providing training on the Port of Seattle Police Department policy manual and other important topics. Generally, one training bulletin is available for each week of the month. However, the number of WTBs may be adjusted by the Office of Professional Standards.

Personnel assigned to participate in WTBs shall only use login credentials assigned to them by the Office of Professional Standards. Personnel should not share their password with others and

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should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access.

Employees who are assigned to participate in the WTB program should complete each WTB during their work week or as otherwise directed by their supervisor. Employees should not allow uncompleted WTBs to build up over time. Personnel may be required to complete WTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the WTB system can be accessed from any Internet active computer, employees shall only take WTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

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

## **Chapter 3 - General Operations**

## Canines

### **300.1 PURPOSE AND SCOPE**

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations.

### **300.2 GUIDELINES FOR THE USE OF CANINES (CALEA 41.1.5A)**

The Port of Seattle Police Department possesses canines trained in detecting explosives and illegal narcotics. Canines with tracking capability may be available upon the request, by a supervisor, for assistance from an outside agency. Generally, the assisting department will operate according to their own policies and procedures regarding the utilization of their canines.

#### **300.2.1 USE OF NARCOTIC-DETECTION CANINES**

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

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To conduct open air sniffs of vehicles, buildings, bags, and any other articles deemed necessary.
- (d) A narcotic-detection canine will not be used to search a person for narcotics.

#### **300.2.2 USE OF BOMB/EXPLOSIVE DETECTION CANINE**

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection canine team may be warranted. When available, a trained explosive detection canine team may be used in accordance with current law and under the following circumstances:

- (a) To assist in the search of a building, structure, area, vehicle or where an unattended item has been located. If an item appears suspicious, explosive detection canine will not be utilized. The Bomb Disposal Unit (BDU) is called in response to items deemed suspicious.
- (b) To conduct advance searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) To assist with searches at transportation facilities and vehicles (e.g., cargo, buses, airplanes and trains).
- (d) To assist in the search of scenes where an explosion has occurred and a secondary explosive device is suspected.
- (e) At no time will a detection dog be used to clear a suspected device or a suspicious item.

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- (f) To act as a visible deterrent in populated areas/facilities. Refer to the ***Request for Assistance from Other Agencies*** Section of this Policy.

#### 300.2.3 USE OF EXPLOSIVE AIR SCENT CANINES (EASC)

All explosives produce vapors discernable by canines trained for explosive detection. The Explosive Air Scent Canine (EASC) Team is a standard certified explosive detection canine team with specialized training in tracking explosive odor. Through the sense of smell (olfaction) the trained EASC have learned to detect explosive odor and track odor to its source, even while it is moving (e.g., suspect walking through ticketing area). Anywhere explosives may be concealed are potential sources and can include: suitcases, backpacks, and vehicles, inside fresh fruit, on a homicide bomber, and so forth.

Current case law has determined an EASC alert provides reasonable suspicion for a detention to further investigate the possibility of a bomb. When available, a trained EASC may be used in accordance with current law and under the following circumstances:

- (a) To be visible in the non-sterile, public areas of Sea-Tac Airport, for example: airline ticketing area, baggage make-up area, light rail corridor, and cruise ship lot holding area.
- (b) To assist in providing security for events drawing crowds to Sea-Tac Airport, to include but not limited to: commission meetings, protests, and other high-profile and/or controversial activities.

An alert by the EASC does not guarantee the canine has detected a bomb. The alert is only one element of the totality of the circumstances. After an EASC alert, an officer, other than the handler, will evaluate the situation and respond appropriately. Use of force if needed and applied will be in accordance with the POSPD ***Use of Force*** Policy.

#### 300.2.4 REPORTING CANINE USE, BITES AND INJURIES

Whenever a tracking canine is deployed, it shall be documented in the officer's case report to include the name of the agency and law enforcement officer utilized.

If a bite or injury results from the use of a tracking, explosive or narcotics detection canine, that information shall be documented in the case report and a BlueTeam entry shall be completed. The report should include, at a minimum, the following:

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

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- (b) Whenever a bite results, the handler shall notify the On-Duty Sergeant and immediate supervisor as soon after the incident as practical. Risk Management shall also be notified.
- (c) Notification shall also be made to the applicable Division Commander and the location of the alleged injury should be photographed.

#### **300.2.5 REPORTING CANINE INJURIES**

In the event a canine is injured, the injury will be immediately reported to the handler's supervisor.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

For a TSA explosive detection canine the injury will be documented as required by TSA. The handler shall also notify the canine unit supervisor as well as the TSA Field Canine Coordinator.

#### **300.2.6 ASSIGNMENT OF CANINES**

The explosive detection canine teams shall be assigned to the Patrol Division to supplement and assist patrol.

Explosive detection canine teams should function primarily as cover units; however, they may be assigned by the supervisor in charge of the unit or the shift supervisor to other functions based on the needs of the watch at the time.

Explosive Air Scent Canine teams will be assigned to the Aviation Patrol Division.

Narcotics detection canines and handlers are assigned to CID/DEA Task Force and report to the detective sergeant.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the supervisor in charge of the unit.

### **300.3 REQUEST FOR USE OF CANINE TEAMS**

Personnel within the department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Operations Bureau shall go through the commander managing the team or CDO.

#### **300.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The commander managing the team or CDO must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used beyond the boundaries of the Port of Seattle to perform any assignment which is not consistent with this policy. As an exception, TSA teams are on occasion requested to assist other agencies in the National Program.

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- (b) Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment.
- (c) Canine teams shall not be called out while off duty or used outside the boundaries of the Port of Seattle unless authorized by the commander managing the team or the CDO.

#### 300.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

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

#### **300.4 SELECTION OF CANINE HANDLERS (CALEA 41.1.5B)**

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

- (a) Port of Seattle Police Department officer (currently off probation).
- (b) Have sufficient space to have a kennel without significant modification or costs.
- (c) For TSA explosive detection canine live within 45 minutes travel time from the airport.
- (d) Agree to be assigned to the position for a minimum of three years.

#### **300.5 CANINE HANDLER RESPONSIBILITIES**

##### 300.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the TSA Statement of Joint Objectives (cooperative agreement).

##### 300.5.2 CARE FOR THE CANINE AND EQUIPMENT (CALEA 41.1.4D / E)

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

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under their control in a clean and serviceable condition. Department equipment includes, but is not limited to, the following items:
  - 1. Kennel
  - 2. Shovel
  - 3. Garbage can (dog food)
  - 4. Plastic garbage bags
  - 5. Disinfectant
  - 6. Latex gloves
  - 7. Leash and collar equipment
  - 8. Food bowl



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9. Water bucket
  10. Brushes
  11. Harness / reflective vest
  12. K-9 first aid kit
  13. Kennel crate
  14. Hotdog™ interior vehicle monitoring equipment
  15. Department vehicle
- (c) Handlers shall permit the unit supervisor or other authorized department personnel to conduct residential kennel inspections to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler which may affect the residential environment of the canine shall be reported to the unit supervisor as soon as possible.
- (e) When off-duty, canines shall be secured to prevent escape and exposure to hazards.
- (f) The canine is permitted to socialize in the home with the handler's family.
- (g) When off-duty, handlers shall not involve their canines in any organized activity unless approved in advance by the commander managing the team or unit supervisor.
- (h) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the unit supervisor so that appropriate arrangements can be made.

#### 300.5.3 CANINE IN PUBLIC AREAS

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

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains habitable for the canine.
- (c) Handlers shall be responsible for clean up of any mess created by the canine, to include pick up and proper disposal of fecal waste.

#### 300.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. As a general rule handlers are not eligible for compensation unless they are personally providing the care. The compensation shall be prescribed in the employee's Collective Bargaining Agreement.

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#### **300.6 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as identified in the ***Emergency Medical Care*** Section of this Policy.

##### **300.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be reported through the unit supervisor.

Any indication that a canine is not in good physical condition shall be reported to the unit supervisor and the commander managing the team as soon as practical. The TSA Field Canine Coordinator shall also be notified.

All records of medical treatment shall be maintained in the canine's file and copied to the TSA Field Canine Coordinator.

##### **300.6.2 EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the unit supervisor as soon as practicable when emergency medical care is required.

#### **300.7 TRAINING (CALEA 41.1.5B)**

##### **300.7.1 MAINTENANCE TRAINING**

Handlers are required to ensure their canine's performance level meets or exceeds certification level.

- (a) Canine handlers shall be aware of and meet minimum monthly training requirements.
- (b) Canine handlers are encouraged to engage in additional training with approval of the unit supervisor.
- (c) In order to ensure all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard contrary to the policies of the Port of Seattle Police Department and/or agreements held with the TSA.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the unit supervisor or commander managing the team.

##### **300.7.2 FAILURE TO MAINTAIN CERTIFICATION**

Canine teams failing to successfully complete certification will be non-deployable.

A remedial training plan will be developed and in the case of a TSA canine team, the TSA specific remedial canine training plan will be strictly adhered to.

##### **300.7.3 TRAINING RECORDS**

Handlers shall maintain training records including as a minimum, the date, location, description of the location, type/amount of training aid, and a description of the canine's performance.

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TSA explosive detection canine teams shall utilize the TSA Canine Website to record training. TSA explosive detection canine training records shall be entered in compliance with TSA Canine Program Guidelines.

#### **300.8 CANINE UNIT SUPERVISOR RESPONSIBILITIES**

The unit supervisor shall be appointed by staff and shall coordinate the Canine Program. The unit supervisor is directly responsible to the commander managing the team. The unit supervisor shall be responsible for, but not limited to, the following:

- (a) Ensure Explosive Detection Canine Teams (EDCT) meet TSA training utilization and certification requirements.
- (b) Reviewing Canine Use Reports to ensure compliance with policy, identify training issues and other needs of the program.
- (c) Maintain liaison with veterinarian of record.
- (d) Maintain liaison with administrative staff and functional supervisors.
- (e) Maintain liaison with other agency canine coordinators and the TSA Field Canine Coordinator.
- (f) Ensure accurate records documenting canine activities of all team members.
- (g) Recommend and oversee the procurement of needed equipment and services for the unit and submit annual budget requests.
- (h) Be responsible for scheduling canine related activities.
- (i) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

#### **300.9 CONTROLLED SUBSTANCE TRAINING AIDS (CALEA 84.1.4)**

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

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

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency.
- (b) Provided the controlled substances are no longer needed as criminal evidence.
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

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#### 300.9.1 PROCEDURES

To view procedures relating to narcotics canine training aids, please contact the Criminal Investigations Division Supervisor.

#### 300.9.2 IMMUNITY

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

#### **300.10 EXPLOSIVES TRAINING AIDS (CALEA 84.1.4)**

Explosives training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives while acting within the scope and course of employment (RCW 70.74.191(4)). Explosives training aids designed specifically for K-9 teams should be used whenever feasible. The use of explosives for training aids is subject to the following requirements:

- (a) All explosives training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) Explosive detection canine members shall make themselves available to the TSA Field Canine Coordinator when requested to conduct the monthly, explosive training aid inventory.
- (d) Only members of the Canine or BDU Units shall have access to the explosives training aid storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosives training aids during and after the training. Generally, the trainer/handler will be designated as the primary custodian while the second person will be designated as the witness.
- (f) Any lost or damaged explosives training aid shall be promptly reported to the unit supervisor in writing 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) and TSA Field Canine Coordinator.

## Control Techniques

### 301.1 PURPOSE AND SCOPE (CALEA 4.1.4)

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

#### 301.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy and RCW 10.116.030):

**Barricaded subject** - An individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law enforcement access, and is refusing law enforcement orders to exit.

**Baton** - A cylindrical club made of wood, rubber, plastic, or metal used as a less-lethal option to engage a non-compliant subject via strikes.

**Highest elected official** - The Port of Seattle Commission President is the highest elected official in the special purpose government that is the Port of Seattle. See RCW 10.116.030 for the definition of the "highest elected official" in other government entities.

**Hostage situation** - A scenario in which a person is being held against their will by an armed, potentially armed, or otherwise dangerous suspect.

**Kinetic energy launcher** - A point-of-aim, point-of-impact, direct-fire, single-shot launcher utilized to engage a non-compliant subject with less-lethal rounds.

**Kinetic energy projectile** - A lightweight projectile consisting of a plastic body and sponge nose, which can be loaded with OC powder, that utilizes a smokeless powder propellant and rifling collar for spin stabilization.

**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.

**Riot** - Three or more persons that knowingly and unlawfully use or threaten to use force, or in any way participate in the use of such force, against any other person or against property (RCW 9A.84.010).

**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 (RCW 10.116.030).

### 301.2 POLICY (CALEA 4.1.4)

In order to control subjects who are violent or who demonstrate the intent to be violent, the Port of Seattle Police Department authorizes officers to use control devices in accordance with the

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guidelines in this policy, the **Use of Force** Policy, and permissible use of force by law (RCW 10.120.020).

#### **301.3 CARRYING AND USING CONTROL DEVICES (CALEA 4.1.4)**

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.

Absent exception granted from the Chief of Police, all personnel working in a first-responder, uniformed patrol capacity, as part of their regulation uniform's utility gear, shall carry in a department issued or approved carrier, a Taser device.

Optionally, uniformed, first-responder personnel may also carry as part of their regulation uniform's utility gear, in a department issued or approved carrier, the following issued or approved control devices:

- (a) Oleoresin Capsicum (OC)
- (b) Baton

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

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

#### **301.3.1 USE OF TEAR GAS**

The Port of Seattle Police Department shall not use or authorize its officers or other employees to use tear gas unless it is a necessary response to alleviate a present risk of serious harm posed by:

- 1. a riot;
- 2. a barricaded subject; or
- 3. a hostage situation.

Prior to using tear gas, the officer or employee shall:

- 1. Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;
- 2. Absent exigent circumstances (i.e. being actively shot at by a suspect or suspects), obtain authorization to use tear gas from the supervising Commander assigned to the event detail, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted;
- 3. Announce to the subject or subjects the intent to use tear gas; and
- 4. Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives.

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Prior to using tear gas in crowd management response involving a riot, the officer or employee shall meet the previously listed four requirements and receive authorization from the highest elected official of the jurisdiction in which the tear gas is to be used.

#### **301.4 RESPONSIBILITIES**

##### **301.4.1 DIVISION COMMANDER RESPONSIBILITIES**

The Division Commander shall monitor the use of control devices in the same manner as all other use of force incidents occurring within their division.

- (a) The Division Commander may authorize the use of a control device by selected personnel or members of specialized units provided the authorized personnel or members of specialized units has/have successfully completed the required training.
- (b) The request for a control device should be made through an on-duty Sergeant who will as soon as practicable then advise the Division Commander.
- (c) The Division Commander shall review each use of control devices by any personnel within their command.
- (d) The Division Commander shall ensure training on the use of control devices is provided as needed.

#### **301.5 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 on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **301.6 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

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

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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).

#### 301.6.1 OC SPRAY

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

Only non-alcohol based OC spray shall be issued and/or authorized for use. Due to potential for overspray permeating the breathable air deployment of OC spray in confined spaces (e.g. onboard an aircraft) is prohibited.

#### 301.6.2 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).

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. 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 in BlueTeam. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### 301.6.3 TREATMENT FOR OC SPRAY EXPOSURE (CALEA 4.1.5)

At the earliest opportunity that a scene controlled by law enforcement is deemed safe, an officer shall take action to address the effects of the OC by flushing the person's eyes out 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.

#### 301.7 POST-APPLICATION NOTICE

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



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#### **301.8 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.

##### **301.8.1 DEPLOYMENT AND USE**

Only department approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease their 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 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 themselves 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 the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

##### **301.8.2 DEPLOYMENT CONSIDERATIONS**

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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.

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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 shot. If subsequent projectiles are needed, the officer should consider aiming at a different targeted area.

#### **301.8.3 SAFETY PROCEDURES (CALEA 4.3.1)**

Officers will inspect the kinetic energy projectile launcher and projectiles prior to use to ensure the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects (e.g. date of manufacture).

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

#### **301.9 TRAINING FOR CONTROL DEVICES (CALEA 4.3.2 / 4.3.3 / 4.3.4)**

The Professional Development Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, and are certified to carry the specific control device and are retrained or recertified as necessary. This training shall include policy instruction in the use of reasonable/deadly force, warning shots (prohibited), control device weapons and medical attention to be obtained for injuries caused by the use of force. The receipt of these policies and the fact instruction was provided shall be documented in the member's training file.

- (a) Proficiency training shall be monitored and documented by a certified, control device weapons or tactics instructor.
- (b) Training for control devices should occur every two years at a minimum.
- (c) All training and proficiency for control devices will be documented in the officer's training file.
- (d) 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

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Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

- (e) Additional remedial training may be required until consistent control device weapon proficiency can be demonstrated.

#### **301.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES (CALEA 4.2.1)**

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 (e.g. completion of a BlueTeam entry).

# Handcuffing and Restraint

## 302.1 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).

### 302.1.1 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.

## 302.2 POLICY

The Port of Seattle 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.

## 302.3 USE OF RESTRAINTS

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

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the department. 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.

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- 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.

It is not the intent of the department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail. Whenever transporting a handcuffed subject within an elevator, a minimum of two officers shall be present.

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

#### 302.3.1 RESTRAINT OF DETAINEES (CALEA 70.1.6)

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

#### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner 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.

#### 302.3.3 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 himself, injure the officer, or damage property.

Members who work special events or are assisting 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).

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#### 302.3.4 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety and/or public safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

#### 302.3.5 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) Whenever possible during team restraint when manpower limitations allow, the ranking officer shall designate a safety officer. The safety officer shall monitor the health and welfare of the person until:
  - 1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or
  - 2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels okay, and the person appears to the safety officer to be well and speaking normally.
- (e) If the safety officer becomes aware of an issue with the person's breathing, color, or any impairment, the safety officer shall inform the ranking officer.
- (f) Do not transport a restrained person in the prone position.

#### 302.3.6 NOTIFICATIONS (CALEA 70.1.6)

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

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#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS (CALEA 4.2.1)**

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

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

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

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

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

#### **302.5 APPLICATION OF SPIT GUARDS**

A spit guard (also referred to as a 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 (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.

Whenever practicable, officers should notify a supervisor in advance of the intent to place a spit hood on a person. In all cases, a supervisor shall be notified as soon as possible after a spit hood has been applied.

Officers utilizing spit guards should ensure that the spit guard is fastened properly 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 should 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

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reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Officers should avoid commingling those wearing spit hoods 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, such as difficulty breathing or vomiting. 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 should 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.

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES (CALEA 70.2.1)**

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

Whenever practicable, officers should notify a supervisor in advance of the intent to utilize auxiliary restraint devices. In all cases, a supervisor shall be notified as soon as possible after an auxiliary restraint device has been applied.

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

#### **302.7 APPLICATION OF PROTECTIVE RESTRAINT DEVICES (CALEA 70.2.1)**

Protective restraints may be used to restrain a violent or potentially violent person who poses a threat of harm to themselves or others when it is reasonable to do so during the course of detention, arrest or transportation. Only protective restraint devices approved by the department shall be used (e.g. the WRAP, leg restraints, padded helmet).

In determining whether to use protective restraint devices, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from their own actions (e.g., hitting their head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).



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#### 302.7.1 GUIDELINES FOR USE OF PROTECTIVE RESTRAINTS (CALEA 4.2.1 / 70.1.2 / 70.1.6)

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

- (a) If practicable, officers should notify a supervisor of the intent to apply a protective restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the protective 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 protective 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 their stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When the person cannot be transported in a seated position, they should be taken by medical transport. When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Officers shall not connect a leg restraint to handcuffs (e.g. "hog tie" an individual) (Washington State Office of the Attorney General Model Use of Force Policy, RCW 10.116.022).

The manufacturers of the WRAP, Safe Restraints, Inc., have constructed the restraint system so as to provide D ring clips for utilization in some applications of the WRAP to facilitate safe handcuff positioning (e.g. during transport using the Safe Restraints Cart, for blood draws) within a seated, supine position so as to allow the restrained person a more advantageous position for breathing.

#### **302.8 MEDICAL CONSIDERATIONS (CALEA 4.1.5)**

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel.

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Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

#### **302.9 REQUIRED DOCUMENTATION (CALEA 4.2.1)**

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification 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.

#### **302.9.1 SUPERVISOR DOCUMENTATION OF PROTECTIVE RESTRAINT APPLICATION**

A supervisor shall complete a BlueTeam entry (see the ***Personnel Incident Documentation / Early Intervention System*** Policy) whenever a member of this department applies protective restraints to a person. The following information shall be included in the BlueTeam entry:

- (a) Observations of the restrained person's physical and physiological actions that necessitated the use of the protective restraints.
- (b) How the restrained person was transported and the position of the person (e.g. seated) during transport.
- (c) Any known or suspected drug use or other medical problems.

#### **302.10 TRAINING**

Subject to available resources, the Professional Development Sergeant 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 Port of Seattle Police Department.
- (b) Response to complaints of pain by restrained persons.

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- (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.

# Medical Aid and Response

## 303.1 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.

## 303.2 POLICY

It is the policy of the Port of Seattle Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 303.3 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 Communications Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, 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.

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

#### **303.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

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.

#### **303.5 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 EMS care and does not meet the criteria for emergency detention via the Involuntary Treatment Act (ITA), then the officer will consult with a supervisor prior to determining a course of action.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **303.6 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.

#### **303.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.
- Headlights, spotlights and flashlights should not be aimed upward at the air ambulance.
- Members should direct vehicle and pedestrian traffic away from the landing zone.

#### **303.8 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).

##### **303.8.1 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 Port of Seattle Fire Department 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 Communications Center as soon as possible and request response by EMS (RCW 70.54.310).

##### **303.8.2 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).

##### **303.8.3 AED TRAINING AND MAINTENANCE**

The Professional Development Sergeant should ensure appropriate training is provided to members authorized to use an AED.

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#### **303.9 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).

##### **303.9.1 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 Professional Development Sergeant.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

##### **303.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Professional Development Sergeant will ensure the Records Section is provided enough information to meet applicable state reporting requirements.

##### **303.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Professional Development Sergeant should ensure training is provided to members authorized to administer opioid overdose medication.

#### **303.10 ADMINISTRATION OF EPINEPHRINE**

The Chief of Police or designee shall identify a trained member to be responsible for the storage, maintenance and oversight of any agency epinephrine auto-injector devices pursuant to a prescription from an authorized health care provider as provided by RCW 70.54.440.

##### **303.10.1 EPINEPHRINE USER RESPONSIBILITIES**

Members who are qualified to administer epinephrine should handle, store and administer the medication consistent with their training. Trained members may administer epinephrine on the premises of the Port of Seattle Police Department or provide an epinephrine auto-injector to a person for immediate self-administration when there is a good faith belief the person is experiencing anaphylaxis (RCW 70.54.440).

Any member who administers epinephrine should contact the Communications Center as soon as possible and request response by EMS.

##### **303.10.2 EPINEPHRINE USE REPORTING**

Any member administering epinephrine should detail its use in an appropriate report. All uses shall be immediately reported to the DOH on the appropriate DOH form (RCW 70.54.440).

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#### 303.10.3 EPINEPHRINE TRAINING

The Professional Development Sergeant shall ensure that members authorized to use epinephrine auto-injector devices successfully pass a training course by a nationally recognized organization experienced in training emergency health treatment or an approved DOH training course and receive the appropriate certificate of completion prior to use (RCW 70.54.440).

#### 303.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, they 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. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### 303.11.1 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 Designated Patrol Commander 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.

#### 303.11.2 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):



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- (a) The medical care provider determines the individual does not need to be accompanied or secured.
- (b) The officer notifies the medical care provider that the officer is leaving after reasonably determining:
  - 1. The individual does not present an imminent and significant risk of causing physical harm to themselves or another person.
  - 2. There is no longer sufficient evidentiary basis to maintain the individual in custody.
  - 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.

#### **303.12 FIRST AID TRAINING**

Subject to available resources, the Professional Development Sergeant should ensure officers receive periodic first aid training appropriate for their position.

## Officer Response to Calls

### 304.1 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.

#### 304.1.1 DEFINITIONS (CALEA 41.2.1A / B)

Definitions related to this policy include:

**Emergency incidents** - A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance (e.g., assaults, robberies, medical emergencies, etc.). Emergency incidents are automatically initiated by the Communications Center as two or more officer responses.

**Non-emergency incidents** - A call is considered a non-emergency call when there is no immediate or potential threat to life or property (e.g., phone reports, other, "cold" paper calls, etc.), and do not require an expedited law enforcement response. Non-emergency incidents are initiated by the Communication Center as one officer responses.

### 304.2 POLICY

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

### 304.3 RESPONSE TO CALLS

Officers responding to calls shall respond with their identifying call sign and current location.

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

#### 304.3.1 EMERGENCY CALLS (CALEA 41.2.1)

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

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

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

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

#### **304.4 REQUESTING EMERGENCY ASSISTANCE**

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

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

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers
- Safety codes - The following codes are to be used at the officer's discretion as needed for encounters where officer safety may be jeopardized by speaking in plain English:
  - Code 1 - A second unit is needed, non-priority.
  - Code 2 - Two officer priority response.
  - Code 3 - Officer needs help; all available priority response. Communications shall also advise surrounding agencies of the situation. Communications will advise when situation is under control and downgrade responding units as appropriate.
  - Code 4 - Situation is under control, slow down any responding units.

Communications will respond to a code request by repeating the officer's request and advising location. The air shall be restricted for Code 2 and Code 3.

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

#### **304.5 SAFETY CONSIDERATIONS (CALEA 41.2.1)**

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

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

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- Exceed the speed limit.
- Disregard regulations governing parking, direction of movement or turning in specified directions.

#### 304.5.1 FIRST RESPONDER NOTIFICATIONS (CALEA 41.2.4)

The first responders of the Port of Seattle Police Department often need to call upon additional resources or make notifications during emergency situations. When faced with the need for additional resources, officers are authorized to request a supervisor or additional Port of Seattle Police Department Officers directly. Requests for the appropriate resources associated with the following situations should be routed through the Communications Center. Communications Center personnel have access to the contact information for all of the entities noted below.

- **Hazardous Roadway Conditions** - Request as appropriate; Port of Seattle Field Crew, the applicable highway or street department, tow truck provider, etc.
- **Damaged Power or Natural Gas Lines** - Request the appropriate utility company.
- **Persons in need of Medical Assistance** - Request Port of Seattle Fire or applicable EMS provider.
- **Law Enforcement Situations Exceeding our Resources** - Request applicable outside agency law enforcement officers for in-progress crimes, pursuits, K-9 needs, perimeter assistance, etc.
- **Death Investigation** - Request the Medical Examiner.

#### 304.5.2 NUMBER OF OFFICERS ASSIGNED

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

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

### 304.6 EMERGENCY EQUIPMENT

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

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the field supervisor or the communications specialist of the equipment failure so that another officer may be assigned to the emergency response.

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#### 304.6.1 SUPERVISOR RESPONSE (CALEA 81.2.4F)

An on-duty sergeant shall respond to any of the following situations:

- Major assaults or homicides.
- Deceased persons.
- Officer down, officer needs help or assault of an officer.
- Vehicle or foot pursuits.
- Any traffic collision involving an on-duty officer.
- Major or fatal traffic collisions.
- Bomb threats.
- Security breaches.
- Domestic violence incidents involving law enforcement personnel.
- Barricaded subjects.
- Any police call that may cause a major disruption to airport or seaport operations.
- Any police call that may result in the need for incident command.

Once on-scene, the sergeant may assume command of the incident or allow the on-scene officer to retain that responsibility, depending on the severity of the situation.

#### **304.7 OFFICER RESPONSIBILITIES**

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

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding and alert the communications center they will be responding priority (i.e., "code").

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 communications specialist of his/her determination. Any subsequent change in the appropriate response level should be communicated to the communications specialist by the officer in charge of the scene unless a supervisor assumes this responsibility.

#### **304.8 THE COMMUNICATIONS CENTER**

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the communications specialist shall assign an emergency response and ensure acknowledgement

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and response of handling and assisting officers. In all other circumstances, the communications specialist shall obtain authorization from the field supervisor prior to assigning an emergency response.

#### **304.8.1 RESPONSIBILITIES**

Upon notification or assignment of an emergency response, the communications specialist is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the CDO as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the field supervisor.

#### **304.9 SUPERVISOR RESPONSIBILITIES (CALEA 41.2.1)**

Upon being notified that an emergency response has been initiated or requested, 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.

When making the decision to authorize an emergency response, the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.

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- The location of the responding officers and the location of the incident.

# Officer-Involved Shootings, Applications of Deadly Force, and Deaths

## 305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident resulting in a Port of Seattle Police Department (POSPD) Officer using deadly force, whether the use of force results in injury or death, or as a result of other action of an officer.

The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

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

### 305.1.1 DEFINITIONS

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

## 305.2 POLICY

It shall be the policy of the Port of Seattle Police Department to utilize an outside law enforcement agency to conduct a criminal investigation into the circumstances of any Port of Seattle Police Department officer-involved shooting and/or deadly force application involving injury or death, including in custody death. The investigation shall be an independent investigation and review of the event.

## 305.3 INVESTIGATION RESPONSIBILITY

Jurisdiction is determined by the location of the application of deadly force and the agency employing the involved officer(s). Ultimately, investigation responsibility for investigating POSPD officer-involved shootings, applications of deadly force, and deaths, to include in custody deaths, will be determined by the Chief of Police.

## 305.4 TYPES OF INVESTIGATIONS

Applications of deadly force involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- An independent criminal investigation of the involved officer's actions.



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### *Officer-Involved Shootings, Applications of Deadly Force, and Deaths*

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- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

#### **305.5 CONTROL OF INVESTIGATIONS**

Investigators from an independent investigation team will be assigned to work on the criminal investigation of officer-involved shootings, applications of deadly force, and/or deaths, including in custody deaths. This may include at least one investigator from the agency that employs the involved officer.

The following sub-sections outline the jurisdictional responsibilities for investigating officer-involved shootings, applications of deadly force, and/or deaths.

##### **305.5.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS**

The criminal investigation of the suspect's actions may be conducted by the assigned independent agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police.

If multiple crimes have been committed in multiple jurisdictions, identification of the independent agency that will control the investigation may be reached in the same way as with any other crime.

##### **305.5.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the independent investigative team's protocol.

Requests made of this department to investigate a shooting, application of deadly force, and/or death involving an outside agency's officer shall be referred to the Commander of the independent investigative team.

##### **305.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

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

#### **305.6 INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting, application of deadly force, and/or death.

##### **305.6.1 UNINVOLVED OFFICERS RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting, application of deadly force, and/or death, the first uninvolved POSPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.

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- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.
- (g) Direct all outside inquiries about the incident to the supervisor.

#### 305.6.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
- (b) If possible, the supervisor may administratively order any involved POSPD officer(s) to immediately provide a public safety statement (questions which have been predetermined) necessary to secure the scene, identify injured parties, pursue suspects, and preserve evidence.
  - 1. Public safety statement shall be limited to the following:
    - Are you injured?
    - What is the location of any injured persons, if any?
    - What type of deadly force was used?
    - If firearm, where and what direction did you fire rounds?
    - A description of the outstanding suspect(s), if any, and the suspect(s) direction of travel, time elapsed since the suspect was last seen, and any suspected weapons.
    - A description and location of any known victims and witnesses.
    - A description and location of any known evidence.
    - Any other information to ensure public and officer safety and to assist in the apprehension of the outstanding suspect(s), if any.
  - 2. The initial on-scene supervisor shall not attempt to order any involved POSPD officer to provide any information other than the public safety statement.
- (c) Provide all available information to the watch commander and Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional POSPD members until properly relieved by another supervisor or other assigned personnel or investigator.
  - (a) If the incident involved the use of deadly force, contact the appropriate independent investigation team (WAC 139-12-030).
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  - (a) Each involved POSPD officer should be given an administrative order not to discuss the incident with other involved officers or POSPD members, with the

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exception of certified peer support personnel (RCW 5.60.060), pending further direction from a supervisor.

- (b) When an involved officer's weapon is collected, either for evidentiary purposes or post-officer processing, they will be provided with a comparable replacement weapon.

#### 305.6.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Deputy Chiefs of Police
- Criminal Investigations Division Commander
- Office of Professional Accountability Investigator
- The Independent Investigations Team (IIT)
- Peer support personnel
- Union representative
- Public Information Officer
- Risk Management

Other entities will be notified by the Independent Investigations Team as necessary.

#### 305.6.4 INVOLVED OFFICERS

The following shall be considered for involved officer(s):

- (a) Any request for legal or union representation will be accommodated.
  - 1. Involved POSPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  - 2. Requests from involved non-POSPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the department to each involved POSPD officer. A licensed psychotherapist may also be provided to any other affected POSPD members, upon request.
  - (a) Interviews with a licensed psychotherapist will be considered privileged.
  - (b) An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members

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shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

- (c) A separate fitness-for-duty exam may also be required (see the ***Fitness for Duty*** Policy).
- (e) The department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060). However, the involved officer should realize such peer counselor communications may not be considered privileged at the federal level. Communications between the involved officer and a peer support member or a peer support group counselor are addressed in the ***Wellness Program*** Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved POSPD officer shall be given reasonable paid administrative leave following an officer-involved shooting, deadly force application, and/or death. It shall be the responsibility of the involved officer's commander to ensure schedule adjustments are made to accommodate such leave.

#### 305.6.5 COMPANION OFFICER

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

- (a) Drive the involved officer to the station or location to be used for processing.
- (b) Accompany the involved officer until relieved.
- (c) Ensure the involved officer is isolated from other personnel involved in the incident.
- (d) Ensure the involved officer does not discuss the incident.
- (e) Attend to needs of the involved officer.
- (f) Communication between the companion and involved officer is not considered privileged.

#### 305.7 CRIMINAL INVESTIGATION

If available, detective personnel shall be assigned to liaison with investigations from the outside agency.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) POSPD supervisors and Office of Professional Accountability personnel should not participate directly in any voluntary interview of POSPD officers.

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- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a union representative of his/her choosing and/or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative and/or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations, upon completion of the criminal investigation. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

#### 305.7.1 REPORTS BY INVOLVED POSPD OFFICERS

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

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

While the involved POSPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators.

#### 305.7.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting, application of deadly force, and/or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons 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, attempts to identify the witness prior to their departure should be made whenever feasible.
- (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 a member of the department.

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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 transportation.
- (c) Any nonemergent contact with the suspect's known family and/or associates should be conducted by members of the independent investigation team.

#### **305.7.3 INVESTIGATIVE PERSONNEL**

Once notified of a POSPD officer involved shooting, application of deadly force, and/or death, the Chief of Police will initiate an independent investigation in accordance with the independent investigations criteria of the Criminal Justice Training Commission (RCW 10.114.011; WAC 139-12-020; WAC 139-12-030). Once the response request is completed, the IIT will investigate and operate with autonomy within the defined scope, and under the direction of the IIT Commander.

#### **305.7.4 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. However, a Department Liaison may be assigned by the Chief of Police or designee to assist the IIT with the retrieval of expected officer statements, reports, body worn and in-car video, or other tasks with the approval of the IIT incident commander, providing that such assistance is in compliance with WAC 139-12.

#### **305.8 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, application of deadly force, and/or death, this department will conduct an internal administrative investigation to determine conformance with department policy. Subject to the discretion of the Chief of Police, this investigation will be conducted under the supervision of the Office of Professional Accountability.

- (a) Notwithstanding the exceptions noted in the Collective Bargaining Agreement, which includes reasonable suspicion of the use of intoxicants by an officer, no officer involved in a shooting may be administratively compelled to provide a blood or breath sample for alcohol / drug screening. In cases where a sample is compelled as the result of allowances noted in the Collective Bargaining Agreement, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency without the consent of the officer.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement at the conclusion of the criminal investigation.
  1. If a further interview of the officer is deemed necessary to determine policy compliance after the conclusion of the criminal investigation, care should be

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taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).

- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to an attorney and/or an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
  - 4. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garritty admonishment).
  - 5. The Office of Professional Accountability shall compile all relevant information and reports necessary for the department to determine compliance with applicable policies.
  - 6. The completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Department **Use of Force** policy.
  - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **305.9 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of legal counsel for the Port of Seattle / department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

#### **305.10 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting application of deadly force, and/or death may be permitted to review available Mobile Audio/Video (MAV), body-worn camera (BWC) video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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Any MAV, BWC, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the IIT Commander and prosecuting attorney, as appropriate.

#### **305.11 DEBRIEFING**

Following an officer-involved shooting, application of deadly force, and/or death, the Port of Seattle Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing. See the **Wellness Program** Policy for guidance on **Critical Incident Stress Debriefings**.

##### **305.11.1 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement after the conclusion of the criminal and administrative investigations. The Chief of Police or their designee should identify the appropriate participants.

#### **305.12 MEDIA RELATIONS**

No POSPD officer shall make any comment to the media unless they are authorized by the Chief of Police or their designee.

Any media release shall be prepared and disseminated by the lead IIT agency.

Department members receiving inquiries regarding an officer-involved shooting, application of deadly force, and/or death occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to their chain of command.

#### **305.13 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 nonlaw enforcement community representatives be assigned to the IIT.

During the course of an investigation, notifications to these community representatives will be handled by the lead IIT agency.

##### **305.13.1 COMMUNITY REPRESENTATIVE DUTIES**

Non-law enforcement community representatives on the IIT will:

- (a) Participate in the interviewing and selection of IIT investigators.
- (b) Review investigator "conflict-of-interest" statements submitted within seventy-two hours of the commencement of each investigation
- (c) Be present at briefings provided to the Chief by the IIT
- (d) Have access to the investigation file when it is completed.
- (e) Be provided a copy of all press releases and communication to the media prior to the release.



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### *Officer-Involved Shootings, Applications of Deadly Force, and Deaths*

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

## Standards of Conduct (CALEA 26.1.1)

### 306.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Port of Seattle 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.

#### 306.1.1 DEFINITIONS

Definitions related to this policy included:

**Wrongdoing** - Conduct contrary to law or contrary to Port of Seattle Police Department policies, provided that the conduct is not trivial or technical in nature (RCW 10.93.190).

### 306.2 POLICY

The continued employment or appointment of every member of the Port of Seattle 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.

### 306.3 DIRECTIVES AND ORDERS (CALEA 12.1.3)

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.

#### 306.3.1 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

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### *Standards of Conduct (CALEA 26.1.1)*

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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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### **306.3.2 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.

#### **306.4 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.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **306.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

##### **306.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or Port manuals.

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- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

#### 306.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Port of Seattle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 306.5.3 NON-REPRESENTED EMPLOYEE APPEALS

Employees not covered by a collective bargaining agreement may file a grievance, inclusive of disciplinary appeals, following the same procedures and timelines set forth in the Police Officer's Collective Bargaining Agreement with the following exceptions:

- The union will not be involved in the process.
- No grievances will be subject to arbitration.
- The Chief of Police shall make the final decision regarding grievances and disciplinary appeals.

#### 306.5.4 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 306.5.5 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

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- (b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

#### 306.5.6 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

#### 306.5.7 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Port of Seattle Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

#### 306.5.8 EFFICIENCY

- (a) Neglect of duty.

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- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

#### 306.5.9 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except

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as expressly authorized by Port policy, the collective bargaining agreement, or the Chief of Police.

- (h) Engaging in political activities during assigned working hours except as expressly authorized by Port policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

#### 306.5.10 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part, on the part of any other member, or on the part of another law enforcement officer or a department member from an outside agency where such activities resulted in wrongdoing, contact with any other law enforcement agency, or that may result in criminal prosecution or discipline under this policy shall report these observations to a supervisor as soon as feasible (RCW 10.93.190).
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the Port.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

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#### 306.5.11 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 306.5.12 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.



## Use of Force

### 307.1 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 policies included within the ***Use of Force Policy List*** Subsection of this Policy.

#### 307.1.1 USE OF FORCE POLICY LIST

The following is a list of departmental use of force policies:

1. 300 - Canines
2. 301 - Control Techniques
3. 302 - Handcuffing and Restraint
4. 303 - Medical Aid and Response
5. 304 - Officer Response to Calls
6. 305 - Officer-Involved Shootings, Applications of Deadly Force, and/or Deaths
7. 306 - Standards of Conduct (CALEA 26.1.1)
8. **307 - Use of Force**
9. 308 - Use of Force Review Boards
10. 309 - Vehicle Pursuit
11. 700 - Conducted Energy Device (TASER)
12. 701 - Control Devices
13. 702 - Edged Weapons
14. 703 - Firearms
15. 704 - Handcuffs and Restraint Devices
16. 705 - Patrol Rifles

#### 307.1.2 DEFINITIONS (CALEA 4.1.1)

Definitions related to this policy include:

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**Bodily Injury / Physical Injury / Bodily Harm** - Physical pain or injury, illness, or an impairment of physical condition (RCW 9A.04.110).

**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 10.120.010 and RCW 9A.16.010).

**De-escalation Tactics** - The 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).

**Excessive Force** - Force that exceeds the level of force permitted by law or policy of the witnessing officer's agency (RCW 10.93.190).

**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.

**Force / Physical Force**- Any act reasonably likely to cause physical pain or injury. More specifically, any act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Pat-downs, incidental touching, verbal commands, and/or compliant handcuffing where there is no physical pain or injury are not considered physical force (RCW 10.120.010).

**Great Bodily Harm** -Bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes significant permanent loss or impairment of the function of any bodily part or organ (RCW 9A.04.110).

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

**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 instantaneously cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

**Law Enforcement Agency** - Any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" (RCW 10.93.020, RCW 10.120.010).

**Less Lethal Alternatives** - Verbal warnings, de-escalation tactics, conducted energy devices, devices that deploy oleoresin capicum, batons, and kinetic energy projectiles (RCW 10.120.010).

**Necessary** - Under totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear exist, and the type and amount of physical force or

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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).

**Peace Officer** - Any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" (RCW 10.93.020, RCW 10.120.010).

**Probable Cause** - Knowledge or reasonably trustworthy information sufficient to lead a reasonable officer to believe that a specific offense has been or is being committed by the person being arrested.

**Proportional / Proportional Force** - An application of reasonable force, based on an officer's reasonable belief of necessity, and reflecting the totality of circumstances related to a situation.

**Reasonable Care** - When determining whether to use physical force or deadly force and when using any physical force or deadly force against another person, when possible, use de-escalation tactics; officers shall: use the least amount of force necessary to overcome resistance under the circumstances; terminate the use of force as soon as the necessity of such force ends; when possible, use available and appropriate less lethal alternatives before using deadly force; and make less lethal alternatives issued to the officer reasonably available for the officer's use (RCW 10.120.020).

**Reasonable Suspicion** - Articulable facts and circumstances leading a reasonable and prudent officer, based upon their training and experience, to believe criminal activity is afoot (criminal activity has happened, is happening, or is about to happen). This is the standard for temporary investigative detention.

**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 (RCW 9A.04.110).

**Temporary Investigative Detention** - A temporary seizure of a person for the purpose of determining whether there is probable cause to arrest them, whether further investigation is necessary, and/or whether the officer's suspicions were founded or unfounded. Reasonable suspicion is the standard for a temporary investigative detention. Officers shall give notice that the person is being detained and is not free to leave (RCW 10.120.020).

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

**Wrongdoing** - Conduct contrary to law or contrary to Port of Seattle Police Department policies, provided that the conduct is not trivial or technical in nature (RCW 10.93.190).

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#### **307.2 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).

#### **307.2.1 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 shall (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 a crisis intervention team or other appropriate specialty unit or professionals.
- (c) Collect information when on scene.
- (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

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place themselves or others at risk including but not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Immediately approaching a person without proper evaluation of the situation.
- (b) Leaving insufficient space between an officer and the person.
- (c) Not providing time for a person to comply with commands when feasible.
- (d) Unnecessarily escalating a situation.

#### 307.2.2 DUTY TO INTERVENE, DUTY TO RENDER AID, AND DUTY TO REPORT (CALEA 1.2.10)

Any identifiable on-duty officer or on-duty department member present and observing another law enforcement officer or a department member, from within this agency or from another agency, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force (RCW 10.93.190).

Officers shall render aid to any person injured as a result of the use of force at the earliest safe opportunity to do so (RCW 10.93.190, RCW 36.28A.445).

Any officer or department member who observes or otherwise has knowledge of another law enforcement officer or a department member, from within this agency or from another agency, use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (RCW 10.93.190).

#### 307.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer or department member, each officer or department member should take into account the totality of the circumstances and the possibility that other law enforcement officers or department members may have additional information regarding the threat posed by the subject (RCW 10.93.190).

#### 307.2.4 MEDICAL CONSIDERATIONS FOR UNREASONABLE FORCE SITUATIONS

Any identifiable on-duty officer or on-duty department member in a position to safely do so shall render aid to any person injured because of unreasonable force (see the **Medical Considerations** Section of this **Use of Force** Policy; RCW 10.93.190).

#### 307.2.5 SUPERVISOR RESPONSIBILITIES IN REPORTING AGENCY EXTERNAL UNREASONABLE FORCE ALLEGATIONS

Upon receiving a report from a Port of Seattle officer or department member that an officer from an outside agency may have used unreasonable force, the supervisor receiving the report shall immediately notify a supervisory or command level employee of the applicable external agency. The reporting supervisor will document in an incident report details of the allegation and whom from the external agency they informed. The reporting supervisor will also promptly notify the Command Duty Officer (CDO).

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#### **307.2.6 RETALIATION TO UNREASONABLE FORCE INTERVENTION AND/OR REPORTING PROHIBITED**

An officer or department member shall not be disciplined for, or retaliated against, in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer or department member of this or another outside agency (RCW 10.93.190).

#### **307.3 USE OF FORCE (CALEA 4.1.1)**

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

Officers shall use only 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 physical force or deadly force, and when using physical force or deadly force against another person (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 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 no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate, and proportional, use of force in each incident.

It is also recognized circumstances may arise in which officers reasonably believe it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions 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.

#### **307.3.1 ALTERNATIVE TACTICS - DE-ESCALATION (CALEA 4.1.1)**

When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (RCW 10.120.010, RCW 10.120.020).

When possible, officers shall exhaust available and appropriate de-escalation tactics prior to using any physical force. De-escalation tactics may include, but are not limited to the following:

- (a) Using clear instructions and verbal persuasion.
- (b) Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident.

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- (c) Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover.
- (d) When there are multiple officers, designating one officer to communicate in order to avoid competing commands.
- (e) Requesting and using available support and resources, such as a crisis response team, designated crisis responder or other behavioral health professional, or back-up officers.

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

When safe and feasible, prior to the use of force, officers shall (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 officers 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.

#### 307.3.3 PERMISSIBLE USES OF FORCE

An officer may use force upon another person to the extent necessary 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.
- (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.

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- (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.

#### 307.3.4 REASONABLE CARE

Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person (RCW 10.120.020). Officers shall:

- (a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
- (b) When using physical force, use the least amount of force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person is:
  - 1. visibly pregnant, or states that they are pregnant;
  - 2. is known to be a minor, objectively appears to be a minor, or states that they are a minor;
  - 3. is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020;
  - 4. displays signs of mental, behavioral, or physical impairments or disabilities;
  - 5. is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
  - 6. is suicidal;
  - 7. has limited English proficiency; or
  - 8. is in the presence of children;
- (c) Terminate the use of physical force as soon as the necessity for such force ends;
- (d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and
- (e) Make less lethal alternatives issued to the officer reasonably available for their use (RCW 10.120.020).

#### 307.3.5 PAIN COMPLIANCE TECHNIQUES (CALEA 4.2.1)

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



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

#### **307.3.6 COMPRESSING SUBJECT'S NECK AREA NOT AUTHORIZED (CALEA 4.1.5 / 4.2.1)**

The squeezing or otherwise constricting of a person's neck region to restrict air and/or blood flow, commonly referred to as "choking", including application of any type of carotid control hold (e.g., Vascular Neck Restraint –VNR, Lateral Vascular Neck Restraint® –LVNR®, etc.) is prohibited under any circumstances (RCW 10.116.020).

#### **307.3.7 USE OF FORCE TO SEIZE EVIDENCE**

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

#### **307.4 DEADLY FORCE (CALEA 4.1.2)**

An officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. For purposes of this subsection, "Immediate threat of serious physical injury or death" means that, 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 bodily injury to the peace officer or another person.

##### **307.4.1 DRAWING / DEPLOYING / POINTING A FIREARM**

Related to officers drawing and/or deploying and/or pointing a firearm (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Prior to drawing and/or deploying and/or pointing a firearm, officers should consider the field of fire, backdrop, bystanders, and other risks of life.
- (b) An officer may draw and/or deploy a firearm when the totality of the circumstances present an inherently dangerous situation that may evolve to the point where deadly force would be justified.
- (c) When drawing and/or deploying a firearm, Officers should maintain muzzle awareness so as to keep the firearm pointed in a safe direction.
- (d) An officer should only point a firearm at a person when deadly force is justified.

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- (e) 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.
- (f) 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).

#### 307.4.2 DISCHARGE OF FIREARMS

Officers are 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 the field of fire, backdrop, bystanders, and other risks of life.

#### 307.4.3 RESTRICTED USE OF FIREARMS

Officers shall 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) Firing a "warning shot" or "warning shots."
- (d) 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.
- (e) When discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the officer or another person.

#### 307.4.4 DISCHARGING A FIREARM AT OR FROM A MOVING VEHICLE

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.

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#### **307.4.5 ADMINISTRATIVE LEAVE RESULTING FROM ACTS CAUSING SERIOUS INJURY OR DEATH (CALEA 4.2.3)**

Any member who seriously injures or causes the death of any person through any act occurring on duty shall be placed on paid administrative leave until the member can be evaluated by a department provided mental health professional and, at a minimum, a preliminary administrative review of the incident has been completed. The Chief of Police, or their designee, may grant members additional paid administrative leave based upon the recommendation of the department provided mental health professional.

Any paid administrative leave granted in excess of the leave specified above shall be subject to the approval of the Chief of Police.

#### **307.5 REPORTING THE USE OF FORCE (CALEA 4.2.2 / 4.2.4)**

Supervisory notification shall be made as soon as practical following the application of physical force.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in the applicable case report by the involved officer. Any use of force witnessed by a member of this department shall be documented promptly, completely, and accurately in a corresponding case supplement report by the witness officer. The officer shall independently prepare an appropriate report, depending on the nature of the incident, and articulate facts known to the officer at the time of the use of force, including but not limited to the following:

- (a) A detailed account of the use of force incident from the officer's perspective.
- (b) The reason for the initial police presence (e.g.: dispatched response including nature of the call; on-view suspicious activity; flag-down; etc.).
- (c) A specific description of the acts that led to the use of force.
- (d) A specific description of the resistance encountered.
- (e) A description of every type of force used or observed.
- (f) Names of all assisting officers and supervisors participating in the actions leading up to the use of force.
- (g) The name of the supervisor the involved officer (IO) notified, and the time of the notification.
- (h) The name of the supervisor who responded to the scene if different from supervisor notified.
- (i) The name(s), if known, of any civilian witnesses.
- (j) A description of any injuries suffered by the officer, subject, or witnesses.
- (k) Whether or not a body-worn audio/video camera (BWC) was activated, and the file location of the corresponding video if activated.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report and/or statement, depending on the nature of the incident.

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The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances. Officers completing a case report should utilize the department's "Use of Force Report Writing Guide" (POSPD General Order 03-2021). the "Use of Force Report Writing Guide" is available on the department's SharePoint POSPD Online, Intranet site.

Supervisors are required to investigate all use of force incidents. To help ensure completion for a comprehensive review and record of their investigative findings, supervisors should use the department's "Sergeant Use of Force Investigation Guide" (POSPD General Order 03-2021). the "Sergeant Use of Force Investigation Guide" is available on the department's SharePoint POSPD Online Intranet site.

In addition, a supervisor shall complete a BlueTeam entry (see the POSPD **Personnel Incident Documentation / Early Intervention System** Policy) whenever a member of this department uses force where any of the following conditions exist:

- (a) When the application of force by a department member includes any of the following circumstances.
  - The application of kicks or strikes by an officer.
  - Any technique used in which an officer physically forces a subject to the ground.
  - The use of any department authorized control device.
  - The discharge of a firearm.
  - The use of any improvised weapon.
  - The pointing, not the mere display, of a firearm at a person.
  - The application of leg restraints.
- (b) When the subject upon whom force is used sustains visible or probable injury or complains of serious injury or the force used results in the death of the subject.
- (c) When a department member sustains injury.
- (d) When determined to be necessary by the supervisor or commander.

The Commander overseeing the subject(s) involved in the use of force will compile, review, and prepare for presentation to the Use of Force Review Board each completed BlueTeam entry, accompanying reports, and any corresponding body-worn camera (BWC) media. See the **Use of Force Review Boards** Policy for specifics regarding the composition and responsibilities of the Use of Force Review Board.

The Office of Professional Accountability, or designee, shall conduct an annual analysis of the previous year's use of force reports. The intent of this analysis is to reveal patterns or trends that could indicate employee development needs, equipment needs and/or the need for policy modifications. The results of this analysis shall be provided to the Chief of Police.

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#### 307.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER® 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 was physically forced to the ground.
- (j) Any application of deadly force.
- (k) An individual alleges unreasonable force was used or that any of the above has occurred.

#### 307.5.2 NOTIFICATION TO INDIAN AFFAIRS

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

#### 307.5.3 NOTIFICATION TO WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION (WSCJTC)

Notification shall be made to WSCJTC 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).

Notification to the WSCJTC will also be sent of any disciplinary decision resulting from an officer's failure to intervene to stop or failure to report use of unreasonable force to determine whether the officer's conduct may be grounds for suspension or revocation of certification (RCW 10.93.190; RCW 43.101.105; RCW 43.101.135; RCW 43.101.155).

#### 307.5.4 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).

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#### **307.6 MEDICAL CONSIDERATIONS (CALEA 4.1.5 / 70.1.6)**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. 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 (RCW 10.93.190).

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

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

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

See the ***Medical Aid and Response*** Policy for additional guidelines.

#### **307.7 SUPERVISOR RESPONSIBILITIES**

A supervisor shall respond to all applications of reportable force. The responding 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. If this interview is conducted without the individual having voluntarily waived their *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a use of force report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (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.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the 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 initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

Upon receiving a report a member of an outside agency has engaged in wrongdoing, the supervisor receiving the report shall immediately notify a supervisory or command level employee of the applicable external agency (RCW 10.93.190). The reporting supervisor will document in an incident report details of the allegation and whom from the external agency they informed. The reporting supervisor will also promptly notify the Command Duty Officer (CDO).

When an incident results in great bodily harm, serious bodily harm, or death, the supervisor shall immediately contact the Office of Independent Investigations pursuant to the procedures established by the Office of Independent Investigation (OII) (RCW 43.102.120).

#### **307.7.1 COMMANDER RESPONSIBILITY**

The Division Commander shall review each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues.

#### **307.8 TRAINING**

All officers and supervisors shall receive training consistent with this use of force policy and related use of force policies at least annually. When feasible, 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.

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- Incorporate cultural competency to understand disproportionately impacted communities, and how experiences with policing and the criminal justice system may impact interactions with police..

Officers will receive periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

- (a) Legal updates.
- (b) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (c) De-escalation tactics, including reasonably effective alternatives to force including applicable legal requirements.
- (d) The duty to intervene.
- (e) The duty to request and/or render medical aid.
- (f) Exercising reasonable care in determining when to use force.
- (g) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.
- (h) 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, warning shots).

This policy should be incorporated into defensive tactics curricula.

#### **307.9 USE OF FORCE ANALYSIS (CALEA 4.2.2)**

At least annually, the Office of Professional Accountability shall prepare an annual review and analysis report of the previous year's use of force incidents.

The report should be submitted to and reviewed 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.



## Use of Force Review Boards

### 308.1 PURPOSE AND SCOPE (CALEA 4.2.2)

This policy establishes a process for the Port of Seattle 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.

### 308.2 POLICY

The Port of Seattle Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately, and is consistent with training and policy. It is the policy of this department to convene a Use of Force Review Board to investigate the circumstances surrounding any use of force incident. The Chief of Police may refer any use of force incident directly to an administrative investigation.

### 308.3 REVIEW BOARD

The Use of Force Review Board will be convened when there is a use of force incident involving a member acting within their official capacity and/or while using department equipment.

At the discretion of the Chief of Police, the Use of Force Review Board may also investigate and review the circumstances surrounding other firearm discharge events, whether the employee was on- or off-duty, excluding training or recreational use.

#### 308.3.1 COMPOSITION OF THE BOARD

The Use of Force Review Board shall be comprised of the following persons:

- (a) The presenting Commander, typically the Commander overseeing the subject(s) involved in the use of force
- (b) An uninvolved Commander
- (c) The Office of Professional Accountability, Office of Professional Standards Sergeant, or Office of Professional Standards Officer
- (d) The Office of Professional Development Sergeant or Training Officer
- (e) Additional subject matter experts or other personnel as deemed necessary by the Chief of Police or Deputy Chief who will be reviewing the final recommendations by the board.

The senior ranking member not of the same Division of the involved employee will serve as chairperson.

#### 308.3.2 RESPONSIBILITIES OF THE BOARD

The Division Commander within the chain of command of the member who used force shall be responsible for:

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- (a) arranging, scheduling, and facilitating the corresponding Use of Force Review Board; and
- (b) ensuring that all relevant reports, documents, and materials are available for the board to consider and review.

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

The Board membership may request further investigation, may call witnesses, may call persons to present information related to the nature of the force used, and may request involved employees appear before the Board. If requested, the involved employees will be notified of the meeting of the Board and may be represented by legal counsel and/or other representation through all phases of the review process.

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

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

If it appears the actions of the employee(s) may result in criminal charges or disciplinary action by the department, the Board will conduct the interviews in accordance with department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement, and any applicable state or federal law. The Board does not have authority to recommend discipline.

The Board shall recommend a finding to the respective Deputy Chief. The recommendation will be the consensus of the Board. This recommended finding will be limited to one of the following:

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

After the Board has concluded, the Board Chairman will submit the written findings and recommendation of the Board to the Deputy Chief. The Deputy Chief will concur or not concur with the board's recommendation. A copy of the Deputy Chief's final disposition may be forwarded to any department section for appropriate action if required, or to the Office of Professional Accountability for entry into Blue Team if no further action is required. If the use of force is determined to be in violation of department policy and/or procedure, then the Deputy Chief will forward a written recommendation to the Chief of Police for final disposition.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police via the Office of Professional Accountability.

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Once the Board has reached its specific finding, the Professional Development Sergeant may convene the separate Training Committee to address training needs and recommendations for this department without specific reference to the facts of the incident considered by the Board.

# Vehicle Pursuit

## 309.1 PURPOSE AND SCOPE

This policy provides the Port of Seattle Police Department with guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects (RCW 10.116.060).

### 309.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Failure to Yield** - Refers to actions of a vehicle operator, who, after being given a visual or audible signal to bring the vehicle to a stop, fails or refuses to immediately stop the vehicle, and continues driving in a legal, non-hazardous manner while generally obeying the rules of the road.

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

**Probable Cause** - Knowledge or reasonably trustworthy information sufficient to lead a reasonable officer to believe that a specific offense has been or is being committed by the person being arrested.

**Pursuit Intervention Option** - One of a number of tactics intended to stop a suspect's ability to continue to flee in a vehicle. The term "pursuit intervention tactic" should not be confused with the term "pursuit immobilization technique (PIT)" which is one specific "pursuit intervention tactic" among a number of pursuit intervention options.

**Pursuit Immobilization Technique (PIT)** - A forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flight. PIT is designed to cause the suspect vehicle to spin out, stall, and come to a stop (also known as a Pursuit Intervention Technique and/or Precision Immobilization Technique).

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

**Reasonable Suspicion** - Articulable facts and circumstances leading a reasonable and prudent officer, based upon their training and experience, to believe criminal activity is afoot (criminal activity has happened, is happening, or is about to happen). This is the standard for temporary investigative detention.

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

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

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

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An attempt by a uniformed peace 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).

### **309.2 POLICY**

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

Officers should only engage in vehicular pursuits when the initiating officer can articulate the following (RCW 10.116.060):

- There is reasonable suspicion a person has violated the law,
- The pursuit is necessary for the purpose of identifying or apprehending the person,
- 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 vehicular pursuit under the circumstances, and
- The pursuing officer notifies a supervisor immediately upon initiating the pursuit, there is supervisory oversight of the pursuit, and the pursuing officer and supervisor consider the following:
  - pursuit alternatives,
  - justification for the pursuit, and
  - safety considerations (e.g. including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle).

### **309.3 OFFICER RESPONSIBILITIES (CALEA 41.2.2C)**

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

A pursuing officer shall notify a supervisor via radio broadcast with the Communication Center immediately upon initiating a vehicle pursuit (RCW 10.116.060). Officers shall consult with supervisors to consider alternatives to the vehicle pursuit, the justification for the vehicle pursuit, and safety considerations (RCW 10.116.060).

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

- (a) Park or stand, irrespective of the rules of the road.
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed the maximum speed limit.
- (d) Disregard regulations governing parking, direction of movement or turning in specified directions.

A pursuing officer must be able to directly communicate via a common radio channel or other direct means of communication with (RCW 10.116.060):

- (a) Other officers engaging in the pursuit,
- (b) A supervisor, if applicable, and
- (c) The dispatch agency associated with the vehicle pursuit.

#### 309.3.1 VEHICLE PURSUIT FACTORS

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include but are not limited to (RCW 10.116.060):

- (a) Safety considerations, including but not limited to speed, weather, traffic, road conditions, and/or the known presence of other persons in or on the pursued vehicle (e.g., minors, passengers, co-offenders, hostages) that may unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (b) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (c) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (d) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (e) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

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- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) The availability of other resources, such as air support assistance.
- (j) Whether the pursuing vehicle 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, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

#### **309.4 SUPERVISOR NOTIFICATION / CONSIDERATION OF ALTERNATIVES / SUPERVISORY CONTROL (CALEA 41.2.2G)**

Officers shall notify a supervisor via radio broadcast with the Communications Center immediately upon initiating a vehicle pursuit (RCW 10.116.060).

Officers shall consult with supervisors to consider alternatives to the vehicle pursuit, the justification for the vehicle pursuit, and safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle (RCW 10.116.060).

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (RCW 10.116.060).

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for (RCW 10.116.060):

- (a) Immediately notifying involved officers and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in their judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Command Duty Officer (CDO) is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

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- (j) Controlling and managing Port of Seattle Police Department officers when a pursuit enters another jurisdiction.
- (k) Reviewing all pertinent reports and forwarding them to the Division Commander.
- (l) Preparing a BlueTeam entry and documentation of the pursuit as required.

#### **309.5 PURSUIT VEHICLES (CALEA 41.2.2E)**

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

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

##### **309.5.1 UNMARKED VEHICLES, MOTORCYCLES, AND EMERGENCY EQUIPMENT (CALEA 41.2.2E)**

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

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

##### **309.5.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES (CALEA 41.2.2C)**

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless the officer 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 via radio broadcast with the Communications Center immediately upon initiating a vehicle pursuit. The officer and the supervisor shall consider alternatives to initiating a vehicle pursuit as well as safety considerations (RCW 10.116.060).

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

- (a) The location, direction of travel, estimated speed, and driving behavior (e.g. rapid lane changes, no headlights, wrong way driving, etc.) of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.



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- (d) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity(s) or description(s).
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

#### **309.5.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES (CALEA 41.2.2D)**

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

- (a) Immediately notifying the Communications Center of their entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

#### **309.6 AIR SUPPORT**

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

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#### **309.7 PURSUIT DRIVING (CALEA 41.2.2 A / B)**

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - (a) Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - (b) Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - (a) Request assistance from available air support.
  - (b) Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  - (c) Request other officers to observe exits available to the suspect.
- (d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

#### **309.7.1 PURSUIT TRAILING**

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

#### **309.7.2 OFFICERS NOT INVOLVED IN THE PURSUIT (CALEA 41.2.2E)**

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

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Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

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

#### **309.8 THE COMMUNICATIONS CENTER (CALEA 41.2.2F)**

If the pursuit is confined within the Port of Seattle limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications specialist. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

##### **309.8.1 RESPONSIBILITIES (CALEA 41.2.2F)**

Upon notification or becoming aware that a pursuit has been initiated, the communications specialist is responsible for:

- (a) Clearing the radio channel of nonemergency 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 pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Command Duty Officer if requested to do so by the supervisor overseeing the pursuit.
- (g) Assigning an incident number and logging all pursuit activities.

#### **309.9 INTERJURISDICTIONAL CONSIDERATIONS (CALEA 41.2.2J)**

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

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

The pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervising officer, and the dispatch agency, such as being on a common radio channel or having other direct means of communication.

##### **309.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY (CALEA 41.2.2J)**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Port of Seattle Police Department is requested by the agency

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assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

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

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

#### 309.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION (CALEA 41.2.2J)

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

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

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the CDO should review a request for assistance from another agency. The CDO or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the Port of Seattle limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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

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#### **309.10 DISCHARGING A FIREARM AT OR FROM A MOVING VEHICLE**

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.

Officers may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm 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(4)).

When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator (Washington State Office of the Attorney General Model Use of Force Policy).

Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle (Washington State Office of the Attorney General Model Use of Force Policy).

Officers shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force (Washington State Office of the Attorney General Model Use of Force Policy).

#### **309.11 PURSUIT INTERVENTION OPTIONS (CALEA 41.2.3 B / C / D)**

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of the following: blocking or vehicle intercept, boxing-in, the use of firearms, the PIT Maneuver, ramming, roadblocks, tire deflation devices, or other technology. 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.

As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, or responsible agency shall develop a plan to end the pursuit through the use of available department authorized pursuit intervention options (RCW 10.116.060).

Any pursuit intervention option, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed. Only those officers who have received department authorized training will be permitted to employ an intervention tactic. Whenever practical, supervisor approval should be obtained prior to utilizing any intervention tactic.

##### **309.11.1 WHEN USE IS AUTHORIZED**

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use pursuit intervention options, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential

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hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

#### 309.11.2 BLOCKING OR VEHICLE INTERCEPT

Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

- (a) The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers, or others.
- (b) All other reasonable intervention tactics have failed or reasonably appear ineffective.
- (c) Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
- (d) The suspect vehicle is stopped or traveling at a low speed.
- (e) Only law enforcement vehicles should be used in this tactic.

#### 309.11.3 BOXING-IN

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

#### 309.11.4 PURSUIT IMMOBILIZATION TECHNIQUE (PIT) MANEUVER

The Pursuit Immobilization Technique (PIT) Maneuver is limited to use by properly trained officers with the approval of a supervisor and with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public, and occupants of the pursued vehicle. In most circumstances, a PIT shall NOT be employed in areas such as blind corners, bridge abutments/major obstacles on roadsides, oncoming traffic, and/or near pedestrians. PIT is not an intentional strike. PIT is a technique of finesse and when done well, results in little to no damage to the officer's patrol vehicle. Pinning of a suspect vehicle after a PIT is intended to prevent the vehicle from further movement and is not meant to keep occupants of the suspect vehicle from exiting.

#### 309.11.5 RAMMING

Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately

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foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

- (a) The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
- (b) The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

#### 309.11.6 ROADBLOCKS

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

#### 309.11.7 TIRE DEFLATION DEVICES

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

- (a) Should reasonably only affect the pursued vehicle.
- (b) Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
- (c) Takes into account the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle.
- (d) Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children.

### **309.12 TERMINATING A PURSUIT (CALEA 41.2.2 A / H / I)**

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

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on the decision to initiate or continue a pursuit will apply equally to the decision to terminate a pursuit. Pursuing officers and monitoring supervisors must objectively and continuously re-evaluate and weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit, as the circumstances and conditions change, and as new information becomes available.

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

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of the pursuit termination to the dispatcher.

### **309.13 REGULAR AND PERIODIC PURSUIT TRAINING**

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

The pursuing officer must have completed the following prior to engaging in a pursuit:

- (a) an initial emergency vehicle operator's course, and
- (b) an updated vehicle operator's training within the previous two years (RCW 10.116.060).

The emergency vehicle operator's course must include the following within its curriculum (RCW 10.116.060):

- (a) certification in at least one pursuit intervention tactic, and
- (b) risk assessment analysis of pursuit necessity that incorporates decision making regarding whether or not the person poses a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances.



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#### **309.13 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **309.14 APPREHENSION / CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force 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.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

#### **309.15 REPORTING REQUIREMENTS (CALEA 41.2.2 K / L)**

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

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a BlueTeam entry, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This entry should include, at a minimum:
  - (a) Date and time of the pursuit.
  - (b) Initial reason and circumstances surrounding the pursuit.
  - (c) Length of pursuit in distance and time, including the starting and termination points.
  - (d) Involved vehicles and officers.
  - (e) Alleged offenses.
  - (f) Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - (g) Arrestee information, if applicable.
  - (h) Any injuries and/or medical treatment.
  - (i) Any property or equipment damage.
  - (j) Name of supervisor at the scene or who handled the incident.

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- (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.
- (d) After receiving copies of reports and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of an administrative investigation / post-pursuit review, as appropriate.
- (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, reporting procedures, and training needs.

#### **309.17 POLICY REVIEW (CALEA 41.2.2 M / N)**

Officers and Communications personnel of this Department shall certify they have received, read, and understand this policy during their initial training, and at a minimum, annually thereafter. In addition, the policy will be reviewed upon any amendments, and whenever pursuit training is provided.

# Americans with Disabilities Act (ADA) Compliance

## 311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Port of Seattle 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.

### 311.1.1 DEFINITIONS

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

**Assistive devices, auxiliary aids, and services** - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Port of Seattle Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

**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).

**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.

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 is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

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#### **311.2 POLICY**

It is the policy of the Port of Seattle 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.

#### **311.3 ADA COORDINATOR RESPONSIBILITIES**

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Collaborating with the Port of Seattle ADA Coordinator regarding the Port of Seattle Police Department's efforts to provide equal access to services, programs, and activities.
  - 1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Collaborating with the Port of Seattle ADA Coordinator to facilitate a process of periodic self-evaluation. The process should include:
  - 1. Inspection of current department facilities to identify access issues.
  - 2. Review of current department services, activities, and programs for access issues.
  - 3. Assessment and update, if necessary, of current compliance measures.
  - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  - 5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
  - 6. Recommendation of a schedule to implement needed improvements.
- (c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
- (d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
  - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
- (e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.
- (f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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- (g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
- (h) Collaborating with other special government entity departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
- (j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (k) Recommending amendments to this policy as needed.

#### **311.4 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.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the 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 ADA coordinator for processing as soon as reasonably practicable.

##### **311.4.1 DENIAL OF A REQUEST**

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

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  - 1. A substantial alteration of the service, program, or activity.

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2. An undue financial or administrative burden on the Department. 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 (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department members and 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 ADA coordinator should work with department members to determine whether alternative 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).

#### 311.4.2 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).

#### 311.4.3 SURCHARGES

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

### **311.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

- (a) The methods of communication usually used by the individual.

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- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

#### 311.5.1 TYPES OF ASSISTANCE AVAILABLE

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 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.

#### 311.5.2 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.

#### 311.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.
- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

#### 311.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

#### 311.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

#### 311.5.6 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.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

#### 311.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to



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determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

#### **311.6 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.

#### **311.7 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.

#### **311.8 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.

#### **311.9 DOCUMENTATION**

Whenever any modification has been provided, the member involved should document:

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

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The documentation and any written communications exchanged 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.

#### **311.10 COMPLAINTS**

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the Department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

#### **311.11 TRAINING**

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

Records of all ADA training will be retained either in the member's training file or via the corresponding online training software program.

##### **311.11.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
- (d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

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Training should be provided for all Communications Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

# Community Support Fund: Cash Handling, Security, and Management

## 313.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the *Property and Evidence* and *Informants* Policies.

## 313.2 POLICY

It is the policy of the Port of Seattle Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

## 313.3 COMMUNITY SUPPORT FUND (CALEA 17.4.2)

The Port of Seattle Police Department has established a Community Support Fund for purposes of purchasing needed items for citizens contacted by patrol officers.

## 313.4 COMMUNITY SUPPORT FUND MANAGER / RESPONSIBILITIES (CALEA 17.4.2 A / B)

The Chief of Police has designated the Senior Administrative Assistant as the primary fund manager responsible for maintaining and managing the Community Support Fund (CSF). In the event the Senior Administrative Assistant is unavailable, the Chief of Police may designate another person to serve temporarily as the CSF manager (see audit requirements below).

The CSF fund manager is responsible for creation and maintenance of an accurate and current transaction ledger and filing of supporting documentation (e.g., invoices, receipts, emails, and cash transfer forms).

The CSF fund manager shall document all transactions on the ledger and any other appropriate forms. The CSF transaction ledger shall minimally record:

- Initial Balance
- Credits
- Debits
- Current Balance

## 313.5 COMMUNITY SUPPORT FUND TRANSACTIONS (CALEA 14.4.2 C / D / E)

The CSF manager is the only entity authorized by the Chief of Police to receive and disburse cash from the fund.

Transactions shall follow the below procedure:

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### *Community Support Fund: Cash Handling, Security, and Management*

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1. Officers seeking reimbursement for community caretaking out-of-pocket expenses shall complete a cash transfer form noting circumstances and amount requested.
  - (a) NOTE: Purchased items or expenses over \$50 require pre-approval from a supervisor for reimbursement.
2. Officers will then send the CSF manager an email, Cc'ing their supervisor, and attaching the cash transfer form along with the related transaction documentation (e.g., sales receipt).
3. CSF manager shall review submitted transaction documents for completeness.
4. After review and acceptance of transaction documentation, CSF manager will issue a cash reimbursement via intra-office mail through the officer's supervisor.
5. The supervisor shall obtain the officer's signature on the transfer from acknowledging receipt for the cash reimbursement and then return the signed transfer form via intraoffice mail to the CSF manager for filing.

#### **313.6 COMMUNITY SUPPORT FUND AUDITS (CALEA 17.4.2 F)**

The CSF manager shall perform an audit no less than once every quarter. This audit requires that the CSF manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and other supporting documentation to verify the accuracy of the accounting.

The CSF fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of CSF management from the Senior Administrative Assistant to another member shall require a separate petty cash audit and involve a command staff member.

#### **313.7 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Criminal Investigations Unit Supervisor duties shall discharge those duties in accordance with the ***Property and Evidence*** and ***Informants*** Policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **313.8 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the ***Property and Evidence*** Policy.

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### *Community Support Fund: Cash Handling, Security, and Management*

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Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## Disciplinary System (CALEA 26.1.4)

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to identify potential corrective measures to be applied to employee conduct in the interest of discipline.

Recognizing the objective of discipline is ensuring effective and efficient departmental operations and employee adherence to reasonable and acceptable standards of conduct, the Port of Seattle Police Department is committed to administering a fair, and equitable, disciplinary system.

Discipline should not be confused with punishment, but rather seen as a method of redirection reinforcing department core values and promoting professional development and morale. The elements of the disciplinary system include counseling, training, rewarding, and punitive actions.

### 314.2 RECOMMENDATION OF DISCIPLINE

In instances of either unacceptable conduct or performance, it becomes the responsibility of those in supervisory roles to impose discipline. Such discipline should be corrective in nature and designed to impress upon the employee and the overall workforce the necessity for proper conduct and performance.

### 314.3 COUNSELING AND TRAINING AS FUNCTIONS OF DISCIPLINE (CALEA 26.1.4 A/B)

All supervisors and managers are encouraged to use counseling and training to correct inappropriate behavior whenever possible.

If the employee misconduct is minor, consisting of only an isolated, minor procedural mistake or inappropriate judgment, the employee may be counseled and/or given appropriate training.

#### 314.3.1 COUNSELING

Counseling is a discussion between a supervisor/manager and employee for purpose of clarifying, correcting a problem, and developing an understanding of proper procedures. Written counseling is appropriate when the problem is a lack of understanding of the policy, procedures, and/or delineated expectations for the job, rather than an intentional disregard for them.

All written counseling should be documented within BlueTeam and transferred to the employee's annual evaluation where appropriate. This should include purpose of the counseling and, most importantly, the resulting impact on the employee's work performance related to the specific problem.

#### 314.3.2 TRAINING

When an employee has a performance issue, it is critical for a supervisor to determine if the employee had the required knowledge, skills, and abilities to execute the task. If they do not, this is a training issue that should be addressed by providing the necessary training to the employee. Even if the employee had received the training in the past, the supervisor should not make the assumption the employee is capable of completing the task. Remedial training may be required in many occasions.

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### *Disciplinary System (CALEA 26.1.4)*

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All training provided as part of the disciplinary system should be documented within BlueTeam and transferred to the employee's annual evaluation where appropriate. More significant training (any training of eight hours or more) should also be documented in the employee's training file.

#### **314.4 REWARDING ELEMENT OF DISCIPLINARY SYSTEM**

The Department recognizes the rewarding element as part of an effective disciplinary system and has established a process for formal commendations and awards to be presented to any employee (see the POSPD ***Employee Commendations*** Policy).

#### **314.5 PUNITIVE ACTION FUNCTION OF DISCIPLINE (CALEA 26.1.4 C)**

As the last form of discipline, punitive action represents possible non-favorable consequences for an employee and therefore, is the least frequently used. Before using any punitive action to correct performance problems, the supervisor should ensure the employee has been properly trained to include remedial training and coaching.

The department shall employ a structured system of punitive action to be followed in case of alleged or suspected violations of department rules, orders, Port of Seattle Rules and Regulations, Civil Service Rules, or any applicable local, state, or federal statute by members of the department.

##### **314.5.1 METHODS OF IMPLEMENTING AND DOCUMENTING DISCIPLINE AND FORMAL PUNITIVE ACTION**

If it is determined an employee is guilty of a rule violation, and formal punitive action is deemed appropriate, discipline may be administered as follows:

- **VERBAL WARNING** - A verbal warning is an admonishment by a supervisor indicating an act, conduct, or performance is not appropriate or acceptable. As an informal disciplinary measure, it is intended to correct the behavior without the need to escalate to more severe levels of formal punitive action. The verbal warning should be used in instances of minor infractions. More serious infractions or repeat infractions of a minor nature should be handled through more severe punitive measures. The verbal warning may be documented in BlueTeam.
- **ORAL REPRIMAND** - An oral reprimand is an informal disciplinary measure consisting of a more severe admonishment for infractions or repetitions of infractions. The oral reprimand may be given by any person in the employee's chain of command. An oral reprimand may be documented in BlueTeam.
- **WRITTEN REPRIMAND** - A written reprimand is a formal censure of the actions and/or conduct of an employee which should be accompanied by a warning similar future actions or misconduct may result in more severe discipline. Written reprimands may be recommended by any supervisor or higher but will require approval by the Chief of Police prior to being served on the employee. Written reprimands will be handled in accordance with respective collective bargaining agreement, Civil Service Rules and Regulations, and/or Port of Seattle Policy. An employee may submit a written rebuttal statement within thirty days of receiving the written reprimand. The rebuttal statement will be attached to the written reprimand and documented in an employee's personnel file and in BlueTeam (IA Pro).



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### *Disciplinary System (CALEA 26.1.4)*

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- **SUSPENSION** - A suspension is time off with or without pay at the chief's discretion and as a formal punitive action will be handled in accordance with respective collective bargaining agreement, Civil Service Rules and Regulations, and/or Port of Seattle Policy. Suspensions will be documented in an employee's personnel file and in BlueTeam (IA Pro).
- **DEMOTION** - A demotion is a reduction in rank and/or removal from a position at the chief's discretion and as a formal punitive action will be handled in accordance with respective collective bargaining agreement, Civil Service Rules and Regulations, and/or Port of Seattle Policy. Demotions will be documented in an employee's personnel file and within BlueTeam (IA Pro).
- **TERMINATION** - Termination is the complete separation from POSPD employment at the chief's discretion and as a formal punitive action is subject to applicable collective bargaining agreements, Civil Service Rules and Regulations, and/or Port of Seattle Policy. Terminations will be documented in an employee's personnel file and within BlueTeam (IA Pro). The employee's notice of intent to be terminated will include the below listed information:
  - A written statement citing reason for the termination
  - Effective date of termination
  - Information where to obtain status of fringe and retirement benefits
  - Advisement of appeal and hearing rights

#### 314.5.2 AUTHORITY TO ADMINISTER FORMAL PUNITIVE ACTION AND DISCIPLINARY MEASURES

The final approval authority and responsibility for administering all formal punitive actions (e.g., a written reprimand, suspension, demotion and/or termination) rests with the Chief of Police.

Supervisors have authority to immediately take the following disciplinary measures:

- Counseling
- Training
- Verbal warning
- Oral reprimand
- **Emergency suspension** - In circumstances where a supervisor reasonably believes an employee is unfit for duty (e.g.; posing a risk to self and/or others) they may temporarily relieve the employee from duty. Supervisors implementing an emergency suspension of an employee shall immediately notify a member of the Command Team (e.g.; CDO).

#### 314.5.3 PROGRESSIVE DISCIPLINE

The concept of progressive discipline involves an attempt to retrain improper behavior using the least severe form of appropriate corrective action necessary and progressing through ascending stages of disciplinary measures and/or punitive actions when lesser forms have not succeeded in correcting the behavior. This concept does not imply all situations must be dealt with by using

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every step in the process. Some incidents, because of the seriousness of the violation, may require more severe punitive actions beyond the initial step(s).

## **Discriminatory Harassment (CALEA 26.1.3)**

### **315.1 PURPOSE AND SCOPE**

To prevent department members from being subjected to, or engaging in, discrimination or sexual harassment or retaliation and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, and by the Washington State Governors' Executive Orders.

Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### **315.2 POLICY**

The Port of Seattle Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, 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 preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect. The nondiscrimination policies of the Port of Seattle Police 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.

### **315.3 DISCRIMINATION PROHIBITED**

#### **315.3.1 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 the department's commitment to a discrimination free work environment.

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### *Discriminatory Harassment (CALEA 26.1.3)*

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#### 315.3.2 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.

#### 315.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with Port or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### 315.3.4 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.

#### 315.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their 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, Director of Human Resources and Development, Port of Seattle General Counsel or the Port of Seattle Workplace Responsibility Program Manager.

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Any member who believes, in good faith, that they have been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **315.4.1 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 Director of Human Resources and Development in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### **315.4.2 SUPERVISOR'S ROLE**

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

### **315.5 INVESTIGATION OF COMPLAINTS**

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Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

#### 315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that their behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing their 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.

#### 315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

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, Director of Human Resources and Development or the Port of Seattle General Counsel.

#### 315.5.3 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.

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#### **315.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **315.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police or the Director of Human Resources and Development, if more appropriate.
- Maintained for the period established in the department's records retention schedule.

#### **315.8 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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

##### **315.8.1 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources and Development or the Port of Seattle General Counsel for further information, direction or clarification.

## DNA Samples

### 316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples for the DNA data bank as mandated in the DNA Identification System (RCW 43.43.753).

### 316.2 PERSONS SUBJECT TO DNA COLLECTION

A biological sample must be collected for purposes of DNA identification analysis from: Every adult or juvenile individual convicted of a felony or any of the following crimes (or equivalent juvenile offenses):

- (a) Assault in the 4th degree with sexual motivation (RCW 9A.36.041, 9.94a.835);
- (b) Communication with a minor for immoral purposes (RCW 9.68A.090);
- (c) Custodial sexual misconduct in the second degree (RCW 9A.44.170);
- (d) Failure to register (RCW 9A.44.130 or 9A.44.132);
- (e) Harassment (RCW 9A.46.020);
- (f) Patronizing a prostitute (RCW 9A.88.110);
- (g) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);
- (h) Stalking (RCW 9A.46.110);
- (i) Violation of a sexual assault protection order granted under chapter 7.90 RCW.

If the WSP crime lab already has a DNA sample from the individual for a qualifying offense, a subsequent submission is not required to be submitted. This department is only responsible to obtain samples at the direction of a court order and when the collection of such samples will not be accomplished by the Washington State Department of Corrections, a Department of Social and Health Services Facility, or by the King County Corrections system/AFIS Identification Unit.

#### 316.2.1 POINT OF COLLECTION

As soon as administratively practicable after confinement persons required to provide DNA samples shall be processed for the necessary samples.

### 316.3 PROCEDURE

Upon receipt of a court order to collect DNA samples, the Criminal Investigation Division Sergeant will direct the assigned case detective or other employee to obtain DNA samples in accordance with this policy.

#### 316.3.1 BLOOD SAMPLES

Health care providers trained and qualified to draw blood may only perform the withdrawal of blood in a medically approved manner.



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#### **316.3.2 BUCCAL SWABS**

Buccal swab samples (taken from inside the mouth) shall be obtained using a Convicted Offender Oral Swab kit provided by the WSP crime lab. Employees shall follow the instructions provided inside the collection kit. The completed kit shall be booked into evidence. The department's evidence technician shall submit the kit to the WSP crime lab.

#### **316.3.3 USE OF FORCE TO OBTAIN SAMPLES**

If, after a written or oral request, an individual required to provide samples refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force necessary and consistent with constitutional and legal requirements to compel them to submit to collection of the required sample (RCW 43.43.750).

Use of force to obtain such sample(s) should occur only under the following conditions:

- (a) Prior to the use of reasonable force, the officer(s) shall take and document reasonable steps to secure voluntary compliance.
- (b) Prior to the use of reasonable force, the officer(s) shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused.

#### **316.4 PROCESSING DNA SAMPLES**

All DNA or biological samples taken pursuant to RCW 43.43.752 through 43.43.758 shall be delivered to the Forensic Laboratory Services Bureau of the Washington State Patrol and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons (RCW 43.43.754(2)).

# Generative Artificial Intelligence Use

## 317.1 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.

### 317.1.1 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.

**Artificial Intelligence (AI)** - Computer systems designed to perform specific tasks that normally require human intelligence.

## 317.2 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 Port of Seattle 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.

## 317.3 RESPONSIBILITIES

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#### 317.3.1 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.

#### 317.3.2 AI COORDINATOR / CRIME ANALYST

The Chief of Police or the authorized designee shall appoint an AI Coordinator. The AI Coordinator shall report to the Criminal Investigations Division Commander 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 Port of Seattle Police Department and the Port of Seattle, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

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- (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.
- (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 Manager 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.

#### **317.4 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.

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- (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.

Members shall generate their own original report content when calls for service dictate as such. Members shall not use GenAI to write or assist in writing any police report.

#### **317.4.1 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).

#### **317.5 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.

Members shall not use GenAI to write or assist in writing any police report.

#### **317.6 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

# Information Technology Use

## 318.1 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.

### 318.1.1 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 Port of Seattle 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.

## 318.2 POLICY

It is the policy of the Port of Seattle 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.

## 318.3 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 database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

#### **318.4 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 Watch Commanders.

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.

##### **318.4.1 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 Port of Seattle 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.

##### **318.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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#### 318.4.3 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.

#### 318.4.4 OFF-DUTY USE

Technology resources provided by the Department may be used to conduct official Department business either on- or off-duty. This includes the use of telephones, cell phones, texting, and/or email. A member may use technology resources provided by the Department at home after their tour of duty to facilitate emergency contact or other work-related communication needs. Unless an employee is on call or on standby, per the CBA, they are not expected or encouraged to check emails or conduct other Department business outside of normal shift hours. Personal use remains subject to department guidelines.

Refer to the ***Personal Communication Devices***(PCDs) Policy for guidelines regarding off-duty use of department-issued and/or personally owned PCDs.

#### 318.5 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.

#### 318.6 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.



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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.

#### **318.6.1 INAPPROPRIATE LAW ENFORCEMENT DATABASE ACCESS, USE OR DISSEMINATION**

As a law enforcement agency, we have agreements with respect to accessing law enforcement sensitive information such as WSP ACCESS, NCIC, CJIS, and LINX. All employees who use the ACCESS database must be currently certified as an ACCESS user.

Alleged misuse of law enforcement information will be investigated and could lead to discipline up to and including termination.

All employees using ACCESS shall be re-backgrounded at least once every two years.

#### **318.7 PORT OF SEATTLE POLICY COMPLIANCE**

In addition to the above, all employees shall comply with the Port of Seattle's Information Systems and Services Acceptable Use Policy (CC-07).

## Limited English Proficiency Services

### 319.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

#### 319.1.1 DEFINITIONS

**Limited English Proficient (LEP)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as reading or writing. Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Authorized Interpreter** - An employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language, but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his or her skill level, could be utilized to communicate fluently in a non-English language, but not to interpret between two languages if he or she does not possess the specialized skills necessary to interpret between two languages effectively.

**Interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 319.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the department will utilize the four-factor analysis outlined in the United States Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with officers, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

#### **319.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE**

The department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

### **319.3 TYPES OF LEP ASSISTANCE AVAILABLE**

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the department or some other source. Department-provided interpreter services may include, but are not limited to the following assistance methods.

#### **319.3.1 BILINGUAL PERSONNEL**

Individual officers and employees need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual employees of this department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

#### **319.3.2 WRITTEN FORMS AND GUIDELINES**

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The department will arrange to make these translated forms available to department personnel and other appropriate individuals.

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#### 319.3.3 AUDIO RECORDINGS

From time to time, the department may develop audio recordings of important information needed by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

#### 319.3.4 TELEPHONE INTERPRETER SERVICES

Officers requiring language interpretation service may use the AT&T Language Line. Officers shall comply with the following procedures when utilizing the AT&T Language Line:

- Officers in need of AT&T Language Line services shall route all requests through the Department Communications Center.
- Officers shall not bypass the Department Communications Center and contact the AT&T Language Line directly.
- Use of the AT&T Language Line shall be documented in a Call for Service.

#### 319.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials.

### **319.4 LEP CONTACT SITUATIONS AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

#### 319.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department by utilizing all the methods listed in the ***Types of LEP Assistance Available*** Subsection of this Policy.

#### 319.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker determines that the caller is an LEP individual the call-taker should quickly determine whether or not sufficient information can be obtained to initiate an appropriate

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emergency response. If language assistance is still needed, the call taker should try and determine the language and promptly contact the contracted telephonic interpretation service directly for assistance in completing the call. If an appropriately bilingual officer is available, dispatchers will make every effort to dispatch the officer to the call.

#### 319.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed within this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

#### 319.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

#### 319.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

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In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

#### **319.4.6 COMPLAINTS**

The department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The department may do so by providing interpretation assistance or translated forms to such individuals. If the department responds to complaints filed by LEP individuals, the department shall attempt to communicate its response in an accessible manner.

#### **319.4.7 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

#### **319.5 TRAINING**

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, the department will provide periodic training to personnel about departmental LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources. LEP training will be provided for new employees and refresher training will be provided periodically thereafter.

#### **319.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES**

- (a) Phone number and access code of telephonic interpretation services.
- (b) Language identification card.
- (c) Translated *Miranda* warning cards and other frequently-used translated documents.
- (d) Any audio recordings/warnings that are developed in non-English languages.

# Major Incident Notification

## 320.1 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.

## 320.2 POLICY

The Port of Seattle 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.

## 320.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest and/or a potential for increased liability exist are also of interest to the Chief of Police, Deputy Chiefs and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Port of Seattle official.
- Arrest of department employee or prominent Port of Seattle official.
- Aircraft incident with major damage and/or injury or death.
- In-custody deaths.
- Any significant impact on Port of Seattle operations.

## 320.4 SUPERVISOR RESPONSIBILITY

The on-duty supervisor is responsible for making the appropriate notifications. The on-duty supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The on-duty supervisor shall attempt to make the notifications as soon as practical. Notification should be made utilizing the internal 911 paging system first, followed by then calling any additional contact numbers supplied (e.g.; cell and home phone). Communications Center personnel may also initiate the notifications.

### 320.4.1 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 Commander and Deputy Chief.

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#### 320.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Criminal Investigative Division supervisor shall be contacted who will then contact the appropriate detective.

#### 320.4.3 TRAFFIC INVESTIGATION

In the event of a traffic fatality or major injury, the on-duty supervisor shall contact a Patrol Division Commander or CDO. The Patrol Division Commander or CDO will then make a request for an appropriate traffic investigation team.

#### 320.4.4 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.



## Mutual Aid

### 321.1 PURPOSE AND SCOPE

The Port of Seattle Police Department (POSPD) has agreements with other police agencies for the operations of joint teams that include the POSPD Special Weapons and Tactics (SWAT) Team with the Valley Special Weapons and Tactics (VSWAT) Team, the POSPD Crowd Management Unit (CMU) with the Valley Crowd Management Unit (VCMU), and the POSPD Criminal Investigations Division (CID) with the Valley Independent Investigation Team (VIIT). This manual section applies to the workflow of official mutual aid requests between the POSPD and outside agencies and does not alter those agreements.

This manual section is not intended to apply to routine operations such as providing backup to a neighboring agency officer on a traffic stop or investigating an incident that begins in one jurisdiction that happens to cross into another.

### 321.2 JOINT TEAM APPROVALS

Valley Civil Disturbance Unit (VCDU) - The VCDU Commander will review requests for resources and forward recommendations to the Chief of Police or a Deputy Chief for approval. In exigent circumstances, if the Chief of Police and Deputy Chiefs are unreachable, the Command Duty Officer (CDO) or a Commander may give the approval or make the request. The following should be considered prior to approval of a mutual aid request involving crowd management:

- What impact the mutual aid request may have on Port of Seattle airport and/or seaport operations.
- Whether or not the mutual aid request falls in line with the POSPD Guiding Principles and Mission.
- Whether or not there has been sufficient planning, when feasible, and engagement, when feasible, associated with the mutual aid request to support POSPD involvement.

Valley Independent Investigations Team (VIIT) - The VIIT Commander will review and approve requests for resources and notify their chain of command. If the VIIT Commander is unavailable, then approval may be granted by a Commander, Deputy Chief, or the Chief of Police.

Valley Special Weapons and Tactics (VSWAT) - The POSPD SWAT Commander will review, approve/deny requests for resources, and notify their chain of command. If the POSPD SWAT Commander is unavailable, then approval may be granted by a Commander, by a Deputy Chief, or by the Chief of Police. POSPD SWAT members may receive notifications for response prior to command approval, but may be called off by whoever receives the notification: the SWAT Commander, the Commander, the Deputy Chief, or the Chief of Police.

### 321.3 SMALL-SCALE MUTUAL AID REQUESTS

Small-scale mutual aid requests cover support between agencies as a part of planned short-term operations. These operations do not involve committing a large number of personnel or significant resources.

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A Commander, Deputy Chief, or the Chief of Police will screen incoming and outgoing small-scale requests for assistance. These Commanders may authorize sending POSPD personnel and resources under their command to assist an outside agency. If after screening an incoming request the Commander determines that the request rises to the level of a large-scale event, then the Commander will follow the screening procedure for large-scale events.

#### **321.4 LARGE-SCALE EVENT REQUESTS**

Large-scale events are typically planned in advance and cover support between agencies as part of larger planned operations. These operations are longer in duration or require a significant commitment of personnel or other resources.

A Deputy Chief or the Chief of Police will screen large-scale requests. Employees receiving a request for assistance from another agency for a planned or large-scale event happening in the future will forward that request to a Deputy Chief to evaluate the request.

Mutual Aid Requests should include detailed information to accurately determine if the POSPD can accommodate the request. When the POSPD sends an outgoing request for assistance to another agency, the POSPD should include this same information. Both incoming and outgoing requests should include the following:

- The nature of the event or situation.
- An appropriate planning document such as an Incident Action Plan (IAP) or Briefing Sheet if they are available.
- Specific functions the responding agency is being asked to perform.
- Any limitations that the responding agency is being asked to observe such as conforming to the POSPD's **Use of Force** Policy.
- The estimated number of personnel requested.
- A list of other equipment, uniforms, vehicles, or resources requested.
- The estimated duration personnel and/or resources will be needed.
- An agreement that the responding agency will notify the requesting agency of any enforcement activity and uses of force during the event and provide paperwork related to the enforcement or use of force.

The Chief of Police or a Deputy Chief may formally approve or request large-scale mutual aid assistance on behalf of the POSPD. In exigent circumstances, if the Chief of Police and Deputy Chiefs are unreachable, the Command Duty Officer or a Commander may give the approval or make the request.

#### **321.5 MUTUAL AID AFTER ACTION REPORT**

Valley Civil Disturbance Unit (VCDU) - A POSPD Sergeant assigned to VCDU and deployed to the mutual aid request/event will complete a report within the POSPD CAD/RMS. The report number will correspond with the call for service number associated with the mutual aid request/event. All POSPD Officers deployed to the mutual aid request/event will complete the VCDU Activity Report.

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Those Activity Reports will be uploaded to the VCDU SharePoint Page. All reports are forwarded to and retained by the VCDU Commander.

Valley Independent Investigations Team (VIIT) - A call for service number with a corresponding case number is generated for each VIIT Call-Out. A POSPD Detective who responds to the call-out is assigned to complete the main narrative of the report associated with the call-out. Any other responding POSPD Detectives will complete case supplement reports that document their involvement with the incident, and those case supplement reports will use the corresponding case number within the POSPD CAD/RMS. All reports are forwarded to and retained by the Lead Investigating Agency.

Valley Special Weapons and Tactics (VSWAT) - POSPD SWAT Officers who respond to a VSWAT Call-Out will complete a VSWAT After Action Report that is forwarded to and retained by the VSWAT Training Coordinator.

The POSPD will independently assess each large-scale mutual aid event. Officers involved in large-scale mutual aid activity will participate in after-action discussions, either in-person or by proxy. The (VCDU / VIIT / VSWAT and/or POSPD CDU / CID / SWAT) Commander or designee will facilitate after-action discussions and reports. Large-scale mutual aid activity will be presented to the Office of the Chief via the associated (VCDU, VIIT, or VSWAT) POSPD Commander following the mutual aid event. Should there be a need for further review of the mutual aid activity presented to the Office of the Chief, that review will be conducted at the direction of the Chief. Areas of interest in the review of large-scale mutual aid include but are not limited to: the decision to activate POSPD personnel; the decision to request the activation of VCDU, VIIT, and/or VSWAT; the utilization of the Incident Command System (ICS); and the adherence to POSPD Policy.

## News Media Relations

### 322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police; however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Command and/or Leadership Team members and/or designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative and Port of Seattle Public Relations, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### 322.3 MEDIA ACCESS (CALEA 54.1.3)

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

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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 a commander (e.g.; CDO). 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 incident commander. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **322.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

Incident information, subject to redaction, shall be made available, upon request, to media representatives through Records. When requested, additional information may be made available (RCW 42.56.070(1)). Incident reports will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next-of-kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in the incident report shall be referred to the designated department media representative, the Public Records Police Specialist, or if unavailable, a commander or above. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.).

#### 322.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

## Public Alerts

### 323.1 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.

### 323.2 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.

### 323.3 RESPONSIBILITIES

#### 323.3.1 MEMBER RESPONSIBILITIES

Members of the Port of Seattle Police Department should notify their supervisor, on-duty patrol shift supervisor or Criminal Investigations Division 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.

#### 323.3.2 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 appropriate Division Commander or Command Duty Officer (CDO) and the Port 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) Cancelling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander.

#### 323.3.3 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.
- (d) As directed, acting as a liaison with the Port Public Information Officer.

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#### **323.4 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 Port of Seattle 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.

##### **323.4.1 ALERT CRITERIA**

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or 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.

##### **323.4.2 PROCEDURE**

Should the patrol supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the patrol 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).

##### **323.4.3 INITIAL NOTIFICATIONS**

Upon initiation of an AMBER Alert, the patrol supervisor shall:



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- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases (via Communications).
- (b) Promptly notify the Chief of Police and the appropriate Division Commander or CDO of any AMBER Alert activation.
- (c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
  - 1. A photograph.
  - 2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
  - 3. Name and telephone number of the Port or Department Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
  - 4. A telephone number and point of contact for the public to call with leads or information.

#### **323.4.4 POST-INCIDENT REPORTING**

The Chief of Police or the authorized designee shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Chief of Police or the authorized designee shall be responsible for representing the department during the AMBER Alert Review Committee's after-action review of the alert.

#### **323.5 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 Port of Seattle 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" to assist in the recovery of a missing Indigenous person.

#### **323.5.1 ADVISORY CRITERIA**

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

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

#### 323.5.2 PROCEDURE

Should the patrol supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the patrol supervisor should:

- (a) Ensure that department protocol is followed regarding approval of the alert.
- (b) Ensure all appropriate documentation is completed.
- (c) Contact the WSP Communication Center for entry into LEAP.
- (d) Direct Communications Center personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (e) Notify the Communications Center of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (g) Direct the Communications Center to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).
- (h) Coordinate with the Port or Department Public Information Officer to handle the media.
  - 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
  - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (i) Communications Center 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.

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#### **323.6 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 Port of Seattle 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.

##### **323.6.1 CRITERIA**

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.
- (e) The release of the information will not improperly notify an officer's next of kin.

##### **323.6.2 PROCEDURE**

Should the patrol supervisor determine that the incident meets the criteria of a Blue Alert, the patrol supervisor should:

- (a) Direct Communications Center 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) Coordinate with the Port or Department Public Information Officer to issue press releases and handle media inquiries.
  - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.
- (e) Advise the Communications Center of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

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### *Public Alerts*

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#### **323.7 OTHER RESOURCE CONSIDERATIONS**

The patrol supervisor should consider the following resources, as appropriate:

- (a) Local allied law enforcement agency resources
- (b) FBI local office
- (c) The National Center for Missing and Exploited Children (NCMEC)
  - 1. Monitor the Cyber Tipline® link and post missing children alerts.
- (d) The National Oceanic Atmospheric Administration (NOAA)
  - 1. Will relay AMBER Alerts over Weather Radio.

#### **323.8 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.

##### **323.8.1 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.

##### **323.8.2 PROCEDURE**

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

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

## Registered Offender Information

### 324.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Port of Seattle 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.

### 324.2 POLICY

It is the policy of the Port of Seattle 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.

### 324.3 REGISTRATION

When a member of our department is contacted by an individual wishing to register as a sex offender, the department member shall direct the individual to contact the King County Sheriff's Office for facilitation of the registration process (RCW 9A.44.130).

### 324.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Sergeant will act as liaison between our department and law enforcement agencies sharing jurisdiction with us in regards to sharing of information relating to registered offenders. Once notified of a registered offender residing or working in our jurisdiction, the Criminal Investigations Sergeant will provide this information to the department's patrol commanders. The patrol commanders will direct officers to make periodic contact with registered offenders for purposes of confirming residence and/or employment status. The results of these checks will be communicated back to the Criminal Investigations Sergeant or designee. If any changes in offender's residence and/or applicable employment status are discovered, the Criminal Investigations Sergeant shall notify the appropriate agencies.

### 324.5 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 and King County Sheriff's Office Sex Offender websites.

The police specialist assigned to records 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.).

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## Port of Seattle PD Policy Manual

### *Registered Offender Information*

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Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

#### 324.5.1 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 Port of Seattle Police Department has no authority to direct where an offender may live.

#### 324.5.2 RISK LEVEL CLASSIFICATION AND DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

The Washington State Sex Offender Risk Level Classification Tool is used to assess a sex offender's risk to the community. The Risk Level Classification Tool places sex offenders into one of three risk levels:

- Risk Level 1 - Level 1 sex offenders present the lowest risk for re-offense to the community at large. These individuals normally have not exhibited predatory type characteristics with many being first-time offenders. Most have successfully participated or are participating in approved sex offender treatment programs.
- Risk Level 2 - Level 2 sex offenders generally present a moderate risk to re-offend within community at large. These individuals may be considered a Level 2 sex offender because of the nature of previous crime(s). These individuals often have; more than one victim and/or took advantage of a position of trust and authority, such as a teacher, coach, clergy, or babysitter.
- Risk Level 3 - Level 3 sex offenders pose a high risk to re-offend within the community at large. Most have prior sex crime convictions as well as other criminal convictions. Some have predatory characteristics and may seek out victims unknown to the offender. These individuals may have used violence in their crime and/or may have refused or failed to complete approved sex offender treatment programs.

Based on risk level, dissemination should be as detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex

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## Port of Seattle PD Policy Manual

### *Registered Offender Information*

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offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.

- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

#### 324.5.3 SCHOOL NOTIFICATIONS

The King County 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

## Report Preparation (CALEA 83.2.6)

### 325.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 325.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who 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.

### 325.2 REQUIRED REPORTING (CALEA 82.2.2)

Our department prepares and maintains official records to document reported police activity, whether originated by a citizen or a department member. Department members shall prepare documentation for the following incidents that occur within our service area.

- Citizen reports of crime.
- Citizen complaints.
- Incidents that result in an officer being dispatched or assigned to a call for service.
- Criminal and non-criminal cases initiated by department personnel.
- Incidents involving arrests, citations or summons.

This documentation of police activity may be in the form of a completed incident, case, or arrest report, arrest or case supplemental report, citation, Field Interview Report or Computer Aided Dispatch printout.



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### *Report Preparation (CALEA 83.2.6)*

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Written reports are also required in all of these situations on the appropriate department approved form unless otherwise approved by a supervisor.

#### 325.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reports Policy
- (e) All misdemeanor crimes where the victim desires a report

If the victim of a misdemeanor crime does not desire a report, the occurrence will be documented in an incident report.

#### 325.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence (not to include items directly placed into Lost & Found).
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

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## Port of Seattle PD Policy Manual

### *Report Preparation (CALEA 83.2.6)*

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- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

#### **325.2.3 DEATH CASES**

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

#### **325.2.4 INJURY OR DAMAGE BY PORT PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a Port employee. Additionally, reports shall be taken involving damage to Port property or Port equipment.

#### **325.2.5 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.

### **325.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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### *Report Preparation (CALEA 83.2.6)*

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#### **325.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

#### **325.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

#### **325.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should either print out and identify needed corrections by hand on the report or within the LERMS system complete a, "sticky note" stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

#### **325.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to Records 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 Records may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

#### **325.6 CRIME AND COLLISION SCENE REPORTING (CALEA 83.2.6)**

It is important that there is an accurate record of events that transpire during the investigation at the scene of a crime or traffic collision. Whether it is in a primary report, or subsequent follow-up or supplemental reports, it is the responsibility of each officer involved in the processing of a crime or collision scene to accurately describe the sequence of events associated with their investigation.

The crime or collision report should include the following:

- Date and time of arrival at the scene.
- Location of the scene.
- Narrative of observations.
- Actions taken at the scene, including photographs taken, measurements and sketches produced and evidentiary items collected.

## Search and Seizure (CALEA 1.2.4)

### 326.1 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 Port of Seattle Police Department personnel to consider when dealing with search and seizure issues.

### 326.2 POLICY

It is the policy of the Port of Seattle 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.

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

### 326.3 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.

#### 326.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization or valid consent, every person has a reasonable expectation of privacy inside his or her residence.

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## Port of Seattle PD Policy Manual

### *Search and Seizure (CALEA 1.2.4)*

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Individuals do not, however, generally have a reasonable expectation of privacy in areas around their residence where the general public (e.g., mail carriers and solicitors) would reasonably be permitted to go.

A person who has authority to grant permission may provide consent for an officer to search a residence. To obtain legal consent to search a residence, the officer must ensure that the "Ferrier Warnings" referenced in the ***Consensual Search of a Residence or Vehicle*** Subsection of the POSPD ***Search and Seizure (CALEA 1.2.4)*** Policy are given.

#### 326.3.2 VEHICLE

If there is probable cause to believe a vehicle contains evidence of a crime or property subject to seizure, the vehicle may be impounded pending the prompt application for a search warrant.

A person who has authority to grant permission may provide consent for an officer to search their vehicle. To obtain consent to search a person's vehicle, the officer must ensure that the "Ferrier Warnings" referenced in the ***Consensual Search of a Residence or Vehicle*** Subsection of the POSPD ***Search and Seizure (CALEA 1.2.4)*** Policy are given.

For more information regarding impound / inventory of vehicles, see Policy 510.5 -"Vehicle Inventory" and Policy 510.6 -"Vehicle Searches".

*Note: Although federal courts have granted a vehicle search based on probable cause to be an exception to the requirement of a warrant due to a vehicle's mobility, Washington State courts have not recognized this "movable vehicle" exception due to the more restrictive language of the Washington State Constitution.*

#### 326.3.3 PERSONS

Lawfully arrested persons may be searched incident to arrest in an effort to locate weapons, contraband or evidence of a crime.

In certain situations involving officer or public safety, officers may perform a pat-down search of a detained person. For more information regarding pat-down searches, see Policy 439.4 -"Pat-Down Searches".

Individuals may voluntarily give consent for an officer to perform a search of their person. Although the "Ferrier Warnings" need not be given when requesting to search a person, the provisions set forth in the ***Consent Searches General Guidelines***, Subsection of the POSPD ***Search and Seizure*** Policy still apply.

#### 326.3.4 RESTRICTIONS ON CELL SITE SIMULATOR USE

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

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### *Search and Seizure (CALEA 1.2.4)*

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#### **326.4 SEARCH PROTOCOL (CALEA 1.2.8)**

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.

##### **326.4.1 PLAIN VIEW**

Because an individual does not have an expectation of privacy as to items that are in plain view, no search has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be. An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location.
- (b) There is probable cause to believe that the item is linked to criminal activity.
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

##### **326.4.2 EXIGENT CIRCUMSTANCES**

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death.
- (b) Serious damage to property.
- (c) Imminent escape of a suspect.
- (d) The destruction of evidence.

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### *Search and Seizure (CALEA 1.2.4)*

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An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

#### **326.5 DOCUMENTATION**

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- (a) Reason for the search.
- (b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- (c) What, if any, injuries or damage occurred.
- (d) All steps taken to secure property.
- (e) The results of the search, including a description of any property or contraband seized.
- (f) 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.

#### **326.6 CONSENT SEARCHES**

##### **326.6.1 CONSENT SEARCHES GENERAL GUIDELINES**

- Consent searches should be used with the knowledge that they are often subject to question after the fact. Consent in writing is preferred, but not required. The officer obtaining a verbal consent should attempt to have another officer or person witness the consent.
- Consent must be voluntary and can be refused.
- The scope of a consent search may be limited to specific items, areas or times.
- Withdrawal of the consent may occur at any time. At the moment the subject withdraws consent, the officers will retain any items subject to seizure they have discovered and stop the consent search. A search warrant may be required to continue the search and the search warrant application may include information regarding lawfully seized items recovered during the consent search.
- Consent must always be obtained from a person who has proper control of the area to be searched and can lawfully authorize the search.

##### **326.6.2 CONSENSUAL SEARCH OF A RESIDENCE OR VEHICLE**

A person who has authority to grant permission may provide consent for an officer to search their home or vehicle. To obtain legal consent to search a person's home or vehicle, the officer must ensure that the following "Ferrier Warnings" are provided to the person prior to initiating the consensual search:

- (a) The person can refuse to consent to the search.

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### *Search and Seizure (CALEA 1.2.4)*

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- (b) The person can revoke the consent at any time.
- (c) The person can limit the scope of the consensual search to certain areas.
- (d) Any evidence found during the search may be used against the person or others in court.



## Service Animals

### 327.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Port of Seattle Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures. 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 of 1990 (ADA) to permit the use of any animal that is individually trained to assist a person with a disability.

#### 327.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability (28 CFR 35.104, RCW 70.84.021).

Furthermore, a "service animal" means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks (RCW 49.60.040).

**Service Animal trainee** - Any dog or miniature horse that is undergoing training to become a service animal.

### 327.2 POLICY

It is the policy of the Port of Seattle 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.

### 327.3 IDENTIFICATION AND USE

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 Port of Seattle 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.

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### *Service Animals*

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- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **327.4 DEPARTMENT MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Port of Seattle Police Department affords to all members of the public.

#### **327.5 INQUIRIES AND COMPLAINTS INVOLVING DEPARTMENT MEMBERS**

Under the ADA, people with disabilities have the right to be accompanied by service animals in public areas throughout the Port of Seattle and the Port of Seattle Police Department considers interference with or denial of this right by any member of this department to be a violation of this policy. Complaints alleging violations of this policy against any department employee will be promptly investigated and should be referred to the Office of Professional Accountability.

#### **327.6 INQUIRIES**

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.

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### *Service Animals*

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#### **327.7 CONTACT**

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

#### **327.8 REMOVAL**

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.

#### **327.9 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).

# Subpoenas and Court Appearances

## 328.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Port of Seattle Police Department to cover any related work absences and keep the department informed about relevant legal matters.

## 328.2 POLICY

Port of Seattle Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

## 328.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CrLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

### 328.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the General Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the Port 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 Port of Seattle Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Port of Seattle 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.

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No member shall be retaliated against for testifying in any matter.

#### **328.3.2 CIVIL SUBPOENA**

The department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

The department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **328.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **328.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **328.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **328.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (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.

##### **328.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

##### **328.6.2 ENTERING THE COURTHOUSE**

Officers entering King County Courthouses shall:

- (a) Only enter a courthouse with a weapon when they are on official law enforcement business. Officers must tell the court protection deputy assigned to the entry point whether they are on personal or departmental business.

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- (b) If not in uniform, officers must clearly display their department identification so that all persons present, including members of the public, understand they are a commissioned law enforcement officer on official business.
- (c) Officers on personal business will not be allowed to enter the courthouse with a weapon. Officers on personal business will be required to go through the magnetometer and have all hand carried items electronically (x-rayed) and/or physically checked.

#### **328.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

## Unusual Occurrences and Special Operations

### 329.1 PURPOSE AND SCOPE

The coordination and planning for response to unusual occurrences (UO) is a command and executive level responsibility. The department shall maximize the flexibility of its response by involving staff at all levels in the planning process, whenever possible. The principle advisor to the Chief of Police on unusual occurrences shall be the Operations Bureau Chief. The Office of the Chief is responsible for the approval and implementation of all UO planning and preparations.

Department personnel designated to fill key incident command positions during events and emergencies, or participate in planning for such events, will receive annual training in the Incident Command System. This documented annual training may consist of computer courses, classroom lecture, tabletop exercises, field exercises, formalized incident debriefings and multi-departmental or multi-jurisdictional exercises. Biennially, department personnel designated to fill key incident command positions during events and emergencies, or participate in planning for such events, will receive documented training consisting of tabletop and/or full-scale exercises. These biennial training events will be purposefully designed to assess the department's capabilities in fulfilling ICS requirements.

#### 329.1.1 UNUSUAL OCCURRENCE MANUAL AND EMERGENCY PLANS / ACCESSIBILITY

Each of the resources noted below are available electronically via the department's internal network, *SharePoint* website (under, "Department Manuals"). In addition, hard copies of each document can be found at the locations indicated adjacent to each title. The term "Police Department Resource Area" noted below refers to the work / copy area outside of the Office of the Chief of Police.

- **Port of Seattle Police Unusual Occurrence Manual** - Police Department Resource Area, Communications Center, and Waterfront Office.
- **Port of Seattle Airport Emergency Plan** -Police Department Resource Area, Communications Center, and Waterfront Office.
- **Port of Seattle Seaport Division Emergency Operations Plan** -Police Department Resource Area, Communications Center, and Waterfront Office.
- **King County Comprehensive Emergency Management Plan** -Police Department Resource Area, Communications Center, and Waterfront Office.

#### 329.1.2 MASS ARREST

Department plans for the conduct of mass arrests shall be detailed in the department UO Manual. In the course of reviewing and updating the mass arrest plan, assigned staff shall ensure the plan addresses, at a minimum:

- Arrest, processing, confinement, and booking procedures.
- Juvenile offender handling procedures.
- Transportation planning.

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- Identification of detention facility resources.
- Evidence collection procedures.
- Site, resource, and staff security.
- Staff identification.
- Interagency agreements and resources.
- Provision of access to defense counsel for arrestees.
- Court and prosecutor liaison.
- Media relations / Public information.
- Food, water, and sanitation.
- Provision of medical treatment.

#### 329.1.3 EXPLOSIVES-RELATED THREATS AND EMERGENCIES

Department policy for response to explosives-related threats can be found under §415 of this manual. Further information can be found in the department UO Manual, Port of Seattle Airport Emergency Plan, and the Port of Seattle Seaport Seaport Division Emergency Response Plan. Formulation of these procedures shall be the responsibility of the Operations Bureau Chief working in conjunction with the Port of Seattle Bomb Disposal Unit (BDU) Team Leader.

#### 329.1.4 VIPS

VIP escorts shall only be conducted on the approval of an on-duty supervisor or higher authority. Deployment of personnel shall be commensurate with the inherent dangers involved.

Department planning for the handling of VIP escorts shall be outlined in the department's UO Manual, Port of Seattle Airport Emergency Plan, Port of Seattle Seaport Division Emergency Response Plan and V-SWAT Tactics Manual as applicable.

VIP details should be reviewed by the POSPD SWAT Commander or Supervisor in order to determine the level of protection necessary (i.e. Patrol or SWAT).

#### 329.1.5 SPECIAL EVENT PLANNING AND COORDINATION

All planning for special events shall require an operations plan approved by the appropriate commander which includes, but is not limited to, the following:

- Clear designation of the Chain-of-Command for the event.
- Traffic / crowd estimates.
- Analysis of potential crime.
- Contingency planning.
- Minimum personnel requirements / deployment.
- Logistical requirements.



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- Department and outside agency Points-Of-Contact (POC) and liaison.
- After action reporting requirements.

#### **329.2 SPECIAL OPERATIONS**

##### **329.2.1 RESOURCE DEPLOYMENT AND COORDINATION**

The following procedure addresses special operations full team activations, partial team activations, and reporting requirements. For purposes of this policy, special teams are defined as the Bomb Disposal Unit (BDU), Explosive Detection Canine (ED-K9), Valley SWAT (V-SWAT), Crowd Management Unit (CMU), Marine Patrol Unit (MPU), and the Dive Team.

All special team activations require a command level officer or higher level authority. The command representative will typically be the assigned commander of the respective special team or the Command Duty Officer (CDO). Upon receiving the request for special team activation from a Port of Seattle Police Sergeant or outside agency mutual aid partner, the authorizing command level officer will assess the need for a full special team activation or partial team activation. When on-duty resources are requested for activations outside Port of Seattle jurisdiction, the command level officer must balance release of on-duty resources with needs of the watch and continuity of operations.

**Full team activations** - Full team activations will be initiated using the applicable team's established notification protocols. These protocols include an automated notification system through text message, email, and phone message. The details of the activation will be completed by the special team's designated commander or supervisor.

**Partial team activations** - In event an emergent situation or planned event needs only a portion of a special team the following protocols will be used:

- (a) The special team's commander or CDO will determine how many members are required for resolution of the situation.
- (b) All the special team members will be notified using the Port of Seattle's electronic notification system (e.g., Everbridge) with instructions how to contact the designated special team Commander or CDO planning the response. Team members should respond with their availability and response time if needed.
- (c) The command officer managing the response will determine which team members will respond to the partial team activation. In determining which members will be activated, the command officer will assess operational need of the situation, development needs of the team, and past team member deployments in order to balance team member development and opportunities. The command officer managing the response will then communicate which team members are responding via the electronic notification system to the entire special team.

The designated commander for each special team shall review partial team activations on a regular basis to ensure the development needs of the team and opportunities to respond are balanced across the team, and the team is appropriately responsive to emergent situations.

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**Post Activation** - Following each activation a summary message will be communicated to the Command Team with pertinent information regarding the deployment. Special team commanders will report quarterly to the Operations Bureau Deputy Chief on all activations. The report will include the nature of the activations, jurisdictions where activations took place, team members who attended, any identified equipment or training needs, and potential litigation issues.

#### 329.2.2 V-SWAT SELECTION CRITERIA

Criteria for the selection of officers for membership in the V-SWAT shall be determined by the Operations Bureau Chief in accordance with the policy manual, the appropriate Collective Bargaining Agreements, and the agreed upon selection process as specified in the V-SWAT Tactics Manual.

#### 329.2.3 V-SWAT EQUIPMENT

Specifications for equipment assigned to officers in the Valley SWAT shall be dictated by the Operations Bureau Chief and in accordance with the V-SWAT Tactics Manual.

#### 329.2.4 CRISIS COMMUNICATIONS UNIT SELECTION CRITERIA

Minimum standards for assignment to the Crisis Communications Unit (CCU) shall be in accordance with the policy manual and appropriate Collective Bargaining Agreements.

#### 329.2.5 DIVE TEAM

Minimum standards for assignment to the POSPD Dive Team shall be determined by the Dive Team Sergeant in accordance with the policy manual, and the appropriate Collective Bargaining Agreements.

The POSPD Dive Team normally functions on an "as needed" basis, only responding to an activation request forwarded through a command level officer of the rank of Commander or higher.

It shall otherwise be deployed as deemed necessary by the Commander assigned to the Dive Team.

Operations shall normally be conducted in accordance with the Dive Team Manual, UO Manual, and the Port of Seattle Seaport Division Emergency Response Plan.

## Victim Witness Assistance

### 330.1 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.

### 330.2 POLICY

The Port of Seattle Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Port of Seattle 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.

### 330.3 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 Port of Seattle 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.

#### 330.3.1 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.

### 330.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

In the event the victim cannot be identified or due to the nature of the injury cannot be provided applicable victim information, the officer shall document such information was not provided in the related report so victim information can be provided at a later time by the assigned investigator or other designated personnel.

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 them to the proper written department material or available victim resources.

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### *Victim Witness Assistance*

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#### **330.4.1 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).

#### **330.5 VICTIM INFORMATION**

The Criminal Investigations Division Supervisor or designee 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).

#### **330.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

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### *Victim Witness Assistance*

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

#### **330.7 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).

## **Chapter 4 - Patrol Operations**

# Adult Abuse

## 400.1 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 Port of Seattle Police Department members as required by law.

### 400.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

**Hope Card** - A laminated, wallet-sized card that provides the protected person a more portable, durable way to provide important information about an existing protection order that officers can use to assist in the verification of the order in the case of a potential violation.

## 400.2 POLICY

The Port of Seattle Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

## 400.3 MANDATORY NOTIFICATION

Members of the Port of Seattle 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.
  - (c) Has a developmental disability as defined under RCW 71A.10.020.

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### *Adult Abuse*

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- (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.

#### **400.3.1 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.

#### **400.4 OFFICER RESPONSE**

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.



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#### 400.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

#### 400.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately whenever possible. Frequently it is wrongfully assumed that vulnerable adults are incapable of accurately reporting the incident. Do not automatically discount the statement of an abused adult.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the adult victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance and institutionalization is generally preferable to continued abuse.

#### 400.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol supervisor.
- Detective personnel - Qualified investigators should be available to investigate complex cases of adult abuse. These investigators should:
  - Conduct interviews in appropriate interview facilities.
  - Be familiar with forensic interview techniques specific to adult abuse investigations.
  - Present all cases of alleged adult abuse to the prosecutor for review.
  - Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
  - Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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- Participate in or coordinate with multidisciplinary investigative teams as applicable.
- Evidence collection personnel.
- DSHS personnel.

#### **400.4.4 EMERGENCY PROTECTIVE ORDERS**

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should make an attempt to obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.150; RCW 74.34.210; or other applicable statutes.

#### **400.5 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 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.

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#### 400.5.1 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.

#### 400.5.2 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.

#### 400.6 CONFIDENTIALITY OF REPORTING PARTY

Absent a judicial proceeding or the person provides consent, the identity of the person making the report under this section is confidential (RCW 74.34.035(9)).

#### 400.7 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themselves, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from their 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 their family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DSHS.

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

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When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **400.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **400.9 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

##### **400.9.1 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).

##### **400.9.2 RECORDS RESPONSIBILITIES**

Records 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.

##### **400.9.3 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).

##### **400.9.4 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.

##### **400.9.5 HOPE CARD PROGRAM**

The Hope Card Program is a centralized program at the Administrative Office of the Courts (AOC) for the issuance of protection order Hope Cards in scannable electronic format by superior and

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district courts (RCW 7.105.352). The following full civil protection orders, which must be past temporary status before cards can be issued, are included within the Hope Card Program:

- (a) Domestic Violence Protection Order (DVPO) per RCW 7.105.100(a)
- (b) Sexual Assault Protection Order (SAPO) per RCW 7.105.100(b)
- (c) Stalking Protection Order (SPO) per RCW 7.105.100(c)
- (d) Vulnerable Adult Protection Order (VAPO) per RCW 7.105.100(d)
- (e) Anti-Harassment Protection Order (AHPO) per RCW 7.105.100(f)

Officers shall accept the Hope Card as an indicator of an underlying full civil protection order, however, officers shall verify the order per the ***Verification of Court Orders*** Subsection of the ***Domestic Violence*** Policy.

## Aircraft Accidents/Incidents

### 401.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

#### 401.1.1 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.

#### 401.1.2 ALERT CATEGORIES

Alert categories used to identify incidents are as follows:

- Alert 1 - For landings other than routine.
- Alert 2 - Standby for potential emergency as declared by the pilot.
- Alert 3 - Aircraft accident or incident has occurred.

### 401.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

#### 401.2.1 OFFICER RESPONSIBILITIES

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the medical examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or

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### *Aircraft Accidents/Incidents*

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moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

#### 401.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

#### 401.2.3 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Communications Specialists are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the Communications Specialist will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department.
- (b) Closest military base if a military aircraft is involved.
- (c) Ambulances or other assistance as required.
- (d) Police Department.

When an aircraft accident is reported to the Police Department by the airport tower personnel the Communications Specialist receiving such information should verify that the tower personnel will

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contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the Communications Specialist should notify the FAA and the NTSB.

#### **401.2.4 POLICE SPECIALIST RESPONSIBILITIES**

The Police Specialist assigned to Records is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the Washington State Department of Transportation - Aviation Division.
- (b) Forward a copy of the report to the Patrol Division Commander and the manager of the affected airport.

#### **401.2.5 DEPARTMENT PUBLIC INFORMATION OFFICER RESPONSIBILITIES**

In the event a Port Public Information Officer is not available, the Department Public Information Officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his/her designee.
- (b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

Information released to the media regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

#### **401.3 DOCUMENTATION**

Any aircraft accident (crash) within the Port, regardless of whether injuries or deaths occur, shall be documented.



## Automated License Plate Readers

### 402.1 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 Port of Seattle 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.

### 402.2 ADMINISTRATION OF THE ALPR SYSTEM AND ALPR DATA

The Chief of Police shall designate a Patrol Commander to oversee all installation and maintenance of ALPR equipment, as well as access to the ALPR system. The Records Manager will oversee ALPR data retention and non-law enforcement requests for data. The designated Patrol Commander will assign personnel under their command to manage the day-to-day operation of the ALPR equipment and data.

### 402.3 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-equipment to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- (e) Officers should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) via the Communications Center 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.
- (g) All attempts for action as a result of an ALPR response should follow procedures outlined in the **Vehicle Pursuit Factors** subsection of the **Officer Responsibilities (CALEA 41.2.2C)** section of the **Vehicle Pursuit** Policy (RCW 10.116.060).

### 402.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Port of Seattle Police Department, and because such data may contain confidential ACCESS information, it is not open

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### *Automated License Plate Readers*

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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.

All ALPR data downloaded to the server shall be stored according to the [Washington State Law Enforcement Records Retention Schedule](#) and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence, or a digital copy of the evidence will be uploaded and saved to Evidence.com.

#### **402.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Port of Seattle 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 Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

## **Bias-Based Policing (CALEA 1.2.9)**

### **403.1 PURPOSE AND SCOPE**

This policy provides guidance to department members and affirms the Port of Seattle Police Department's commitment to policing that is fair and objective. The policy also establishes appropriate controls to ensure that employees of the Port of Seattle Police Department do not engage in bias-based policing or violate any related laws while serving the community.

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).

#### **403.1.1 DEFINITIONS**

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### **403.2 POLICY**

The Port of Seattle 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.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

#### **403.2.1 MEMBER RESPONSIBILITIES**

It is the responsibility of every member of this department to prevent, report and respond appropriately to discriminatory or biased practices.

It is the responsibility of supervisors to properly review the actions and reports of subordinates to ensure no member engages in bias-based policing or other discriminatory practices.

### **403.3 BIAS-BASED POLICING PROHIBITED (CALEA 1.2.9 A)**

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

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### *Bias-Based Policing (CALEA 1.2.9)*

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#### 403.3.1 OTHER PROHIBITIONS

The Port of Seattle 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):

- (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.

#### 403.4 MEMBER RESPONSIBILITY

Every member of this department shall perform their 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.

##### 403.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### 403.4.2 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).

#### 403.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the POSPD **Personnel Complaints** Policy.

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### *Bias-Based Policing (CALEA 1.2.9)*

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- (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) Supervisors should periodically review any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of biased-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning bias-based policing.

#### **403.6 STATE REPORTING**

Subject to any fiscal constraints, the Professional Standards Division Commander 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 bias-based policing and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (WASPC) (RCW 43.101.410(3)).

#### **403.7 ADMINISTRATION (CALEA 1.2.9 E)**

Each year, the Professional Standards Division Commander or Office of Professional Accountability shall review the efforts of the department to prevent bias-based policing and submit an administrative review of activities with potential for bias to include, but not limited to, traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. This administrative review should not contain any identifying information regarding any specific complaint, citizen, or officer. This administrative review should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve the delivery of fair, and impartial, police services.

Supervisors shall review the annual report submitted to the Washington Association of Sheriffs and Police Chiefs and discuss the results with those they are assigned to supervise.

#### **403.8 TRAINING (CALEA 1.2.9 B/D)**

Each member of this department will be required to complete initial training prior to assignment, and an approved refresher training course with policy review annually, or sooner if corrective action is deemed necessary via remedial training, in order to keep current with changing community trends (RCW 43.101.410(c)). Bias-based policing training may include topics such as appropriate practices and procedures, supervisory issues, cultural diversity, communications skills and related legal mandates including the legal aspects of bias-based policing.

# Bicycle Patrol Program

## 404.1 PURPOSE AND SCOPE

The Port of Seattle Police Department has established the Bicycle Patrol Program (BPP) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 404.2 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 Program Sergeant or the on-duty supervisor.

## 404.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memo to their appropriate Division Commander through their Chain of Command. A copy will be forwarded to the BPP Sergeant. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPP Sergeant and second person to be selected by the BPP Sergeant. Interested officers shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

### 404.3.1 BICYCLE PATROL PROGRAM SUPERVISOR

The Bicycle Patrol Program Sergeant will be selected from the rank of sergeant by a Patrol Division Commander or his/her designee.

The Bicycle Patrol Program Sergeant 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 Patrol Division.

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### *Bicycle Patrol Program*

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- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Program.

#### **404.4 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 annual 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.

#### **404.5 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.

#### **404.6 CARE AND USE OF PATROL BICYCLES**

Officers will be allotted the opportunity to utilize a patrol pool bicycle if properly certified by the International Police Mountain Bike Association (IPMBA) and/or the Law Enforcement Bicycle Association (LEBA).

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol should be equipped with a rear rack, saddle bag(s), and/or frame bag sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations/infractions.

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### *Bicycle Patrol Program*

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of the equipment they use (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program sergeant for repair by an approved technician.

Each bicycle will have scheduled maintenance once a year to be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle. This includes refraining from adding components to, modifying components on, and/or removing components from the patrol bicycle except with the expressed approval of the bicycle sergeant, or in the event of an emergency.

Bicycles shall be properly secured when not in the officer's immediate presence.

#### **404.7 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).



# Child Abuse

## 405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Port of Seattle Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

### 405.1.1 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.

## 405.2 POLICY

The Port of Seattle Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 405.3 MANDATORY NOTIFICATION

Members of the Port of Seattle 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, 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).

### 405.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, when possible, should include (RCW 26.44.040):
  - 1. The name, address and age of the child.
  - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
  - 3. The nature and extent of the alleged injury or injuries.
  - 4. The nature and extent of the alleged neglect.
  - 5. The nature and extent of the alleged sexual abuse.
  - 6. Any evidence of previous injuries, including the nature and extent of the injury.
  - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The department shall forward all case dispositions to CPS.

#### **405.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

#### **405.5 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.

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- (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).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **405.6 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. However, when no other effective alternative is reasonably available and when immediate action appears to be reasonable and necessary to protect the child, officers may remove a child from the child's parent or guardian without a court order.

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

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opioid (e.g., fentanyl), or a pattern of severe neglect, and that the child would be 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).

#### **405.6.1 SAFE HAVEN LAW**

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

### **405.7 INTERVIEWS**

#### **405.7.1 PRELIMINARY INTERVIEWS**

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

#### **405.7.2 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.

#### **405.7.3 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.

### **405.8 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

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having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **405.9 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.

##### **405.9.1 SUPERVISOR RESPONSIBILITIES**

The Criminal Investigations Division 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 Criminal Investigations Division 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.

##### **405.9.2 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 Criminal Investigations Division Supervisor so an interagency response can begin.

#### **405.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

##### **405.10.1 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).

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Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

#### 405.10.2 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, they have the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

#### 405.10.3 CASE SUBMISSION TO PROSECUTOR

The Port of Seattle 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.

#### 405.10.4 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).

#### 405.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Criminal Investigations Division Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

#### 405.10.6 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).

#### 405.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Criminal Investigations Division Supervisor shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

#### 405.10.8 CHILD FATALITY INVESTIGATIONS

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

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#### **405.11 TRAINING**

The department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

## Child and Dependent Adult Safety

### 406.1 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 POSPD **Child Abuse** and **Adult Abuse** Policies.

### 406.2 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 Port of Seattle 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.

### 406.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.



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#### 406.3.1 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.
  - 2. 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.
  - 3. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify the Department of Social and Health Services, if appropriate.
- (d) Notify the field supervisor 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 POSPD **Child Abuse** Policy (RCW 26.44.250).

#### 406.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 406.3.3 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

#### 406.3.4 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.

#### **406.4 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.

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

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### *Child and Dependent Adult Safety*

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#### **406.5 TRAINING**

The Professional Development Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Citation Releases

### **407.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide members of the Port of Seattle 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.

### **407.2 POLICY**

The Port of Seattle 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.

### **407.3 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)).

### **407.4 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.

### **407.5 CONSIDERATIONS**

In determining whether to cite and release a person, officers shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

- (a) The suspected offender has identified him/herself satisfactorily.
- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.
- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.
- (d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

## Civil Disputes

### 408.1 PURPOSE AND SCOPE

This policy provides members of the Port of Seattle 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.

### 408.2 POLICY

The Port of Seattle 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.

### 408.3 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.

### 408.4 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

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### *Civil Disputes*

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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.

#### **408.4.1 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, then they 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.

#### **408.5 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.

#### **408.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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#### 408.6.1 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.

# Contacts, Temporary Investigative Detentions And Photographing Detainees

## 409.1 PURPOSE AND SCOPE

The Port of Seattle 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 contact and/or temporarily detain a person and complete an field interview (FI,) pat-down search, or field photograph, shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

The purpose of this policy is to establish guidelines for conducting FIs and pat-down searches, and the taking and retention of photographs of persons contacted and/or detained in the field but who are not arrested.

## 409.2 DEFINITIONS

**Temporary Investigative Detention** - A temporary seizure of a person for the purpose of determining whether there is probable cause to arrest them, whether further investigation is necessary, and/or whether the officer's suspicions were founded or unfounded. Reasonable suspicion is the standard for a temporary investigative detention. Officers shall give notice that the person is being detained and is not free to leave (RCW 10.120.020).

**Consensual Encounter (Contact)** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that their contact with the officer is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of an established facility video system or mobile video system when persons are not posed for the purpose of photographing are not considered field photographs.

**Frisk or Pat-Down Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable Suspicion** -Articulable facts and circumstances leading a reasonable and prudent officer, based upon their training and experience, to believe criminal activity is afoot (criminal activity has happened, is happening, or is about to happen). This is the standard for temporary investigative detention.



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#### **409.3 CONSENSUAL ENCOUNTER**

Nothing in this policy is intended to discourage consensual encounters (i.e., "contacts"). Frequent casual contact with consenting individuals is encouraged by the Port of Seattle Police Department to strengthen community involvement, community awareness, and problem identification.

#### **409.4 FIELD INTERVIEWS**

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that they are part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that they are engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests they are carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

##### **409.4.1 INITIATING A FIELD INTERVIEW**

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

##### **409.4.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Officers should seek consent to record such statements whenever possible.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

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of identification, officers should attempt to identify the witness prior to his/her departure.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

#### **409.4.3 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.

#### **409.5 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for their own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever possible, pat-down searches should be performed by officers of the same gender and 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.

#### **409.6 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

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#### 409.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

#### 409.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. 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.

#### **409.7 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

#### **409.8 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the on-duty supervisor with either an associated FI card, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph.

After reviewing the photograph and related material, the on-duty supervisor shall forward it to Records or, when appropriate, directly to the case detective for further processing.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in Records and retained as a part of the case file.

#### 409.8.1 PURGING THE FIELD PHOTO FILE

The Records Police Specialist will be responsible for periodically purging and destroying all such photographs more than the current year plus one year old and in compliance with the current Records Management Guidelines and General Records Retention Schedules. The Local Government General Records Retention Schedule (LGGRS) is the controlling schedule for records retention and management (RCW Chapter 40.14). Access to the FI photo file shall be strictly limited to law enforcement purposes.

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#### **409.9 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact. The request to review the status of the photograph/FI shall be directed to the Office of the Chief of Police. Upon a verbal request, the department shall send a request form to the requesting party along with a copy of this policy.

##### **409.9.1 REVIEW PROCESS**

Upon receipt of such a written request, the Chief of Police or their designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either for the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or their designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Port of Seattle Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or their designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or their designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Port of Seattle Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or their designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or Port of Seattle Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

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If the Chief of Police or their designee determines that any involved Port of Seattle Police Department personnel violated existing law or department policy, the Chief of Police or designee may initiate a separate investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

# Crime and Disaster Scene Integrity

## 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 410.2 POLICY

It is the policy of the Port of Seattle 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.

## 410.3 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.

## 410.4 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.

## 410.5 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

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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.

#### **410.5.1 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.

#### **410.6 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)).

#### **410.7 CRIMINAL INVESTIGATIONS DIVISION COMMANDER RESPONSIBILITIES**

The Criminal Investigations Division Commander 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.

# Criminal Organizations

## 411.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Port of Seattle Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 411.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal Intelligence System (CIS)** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

**Criminal Street Gang** - Shall mean any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or who have engaged in a pattern of criminal street gang activity.

**Gang Related Crime** - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang to include fear and intimidation of victims and the public in association with their group affiliation.

## 411.2 POLICY

The Port of Seattle 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.

## 411.3 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.



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- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

#### **411.3.1 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 Records. Any supporting documentation for an entry shall be retained by Records in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by Records are appropriately marked as intelligence information. The Police Specialist assigned to Records may not purge such documents without the approval of the designated supervisor.

#### **411.3.2 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)).

#### **411.4 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.

#### **411.5 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 Professional Development Sergeant to train members to identify information that may be particularly relevant for inclusion.

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#### **411.6 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.

#### **411.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE**

The file shall be reviewed annually by the unit supervisor. Each individual file having no entry indicating law enforcement contact in the preceding five year period shall be purged from the file and disposed of in accordance with the department purge criteria in compliance with the current Records Management Guidelines and General Records Retention Schedules.

The CORE and/or the Local Government General Records Retention Schedule (LGGRRS) are the controlling schedule for records retention and management (Records Management Guidelines and General Records Retention Schedules) (RCW Chapter 40.14).

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the five-year period shall be reviewed every six months to determine if they should be purged. The five year purge date may also be adjusted if the subject of the file is incarcerated. The length of such incarceration will adjust forward the date of file purge.

#### **411.8 CRIMINAL STREET GANGS**

The Criminal Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

##### **411.8.1 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS**

The Gang Enforcement Officer shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
  - 1. They have a common name or common identifying sign or symbol.

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2. There is evidence, substantiated by crime and informational reports, that ONE of the primary activities of the group is the actual or suspected (based on probable cause) commission of one or more criminal acts.
  3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
  4. Other articulable indications based on the training and experience of the reporting officer.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang participant file, when one or more of the following elements have been verified by a Gang Enforcement Officer and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
1. An individual admits membership in a criminal street gang.
  2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
  3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
  4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
  5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
  6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience.

#### 411.8.2 FIELD CONTACTS

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete an FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink). Photographing known or suspected

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criminal street gang participants shall be done in accordance with the provisions of the POSPD ***Contacts, Temporary Investigative Detentions, and Photographing Detainees*** Policy.

#### **411.9 TRAINING**

The Professional Development Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.
- (f) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

# Crowd Management

## 412.1 PURPOSE AND SCOPE

This policy provides guidance for Port of Seattle Police Department (POSPD) response to public assemblies, demonstrations, public disturbances, and/or riots. Additional consideration of the *Seattle-Tacoma International Airport Schedule of Rules and Regulations*, the *Port of Seattle Police Department Unusual Occurrence Manual*, the *Valley Civil Disturbance Unit (VCDU) Standard Operating Procedures (SOP)*, and the *Valley Special Weapons and Tactics (SWAT) Manual* may be required.

### 412.1.1 DEFINITIONS

Definitions related to this policy include:

**Airport** - Realty and improvements generally known and designated as the "Seattle-Tacoma International Airport" or SEA. The improvements on the realty consist of the runways, aircraft taxiways and parking aprons, the passenger and freight terminal buildings, hangars, vehicle roadways and parking facilities, and all other improvements on such realty. The term "Airport" shall also include any adjacent or nearby realty hereafter acquired for purposes of the Airport by the Port and all improvements hereafter constructed on such realty (*Seattle-Tacoma International Airport Schedule of Rules and Regulations*).

**Demonstration** - A gathering of one (1) or more persons for the purpose of expressing a group opinion to observers or attendees, which may include but shall not be limited to, picketing, sit-ins, protest marches, speeches, and acts ordinarily associated with demonstrating, such as parading, singing, and display of placards; provided, however, the expression of a message for commercial purposes shall not be treated as a First Amendment Activity (*Seattle-Tacoma International Airport Schedule of Rules and Regulations*).

**Distribution** - The distribution of materials, including but not limited to leaflets, pamphlets, flyers, books, photos, or any other written or printed material, for the expression of ideas and opinions; provided, however, the distribution of commercial materials shall not be treated as a First Amendment Activity but instead shall be subject to the license or concession for advertising at the Airport (*Seattle-Tacoma International Airport Schedule of Rules and Regulations*).

**First Amendment Activity** - Types of First Amendment Activities covered by the *Seattle-Tacoma International Airport Schedule of Rules and Regulations* are: Demonstration, Distribution, Solicitation, and Survey.

**Less Lethal Launcher** - VSWAT team members specially trained in the use of chemical agents and less lethal munitions and weapons platforms.

**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.

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**Solicitation** - The solicitation of funds on behalf of not-for-profit organizations for charitable, patriotic, political, social justice or religious purposes; or the solicitation of petition signatures or votes on behalf of not-for-profit organizations for charitable, patriotic, political, social justice or religious purposes (*Seattle-Tacoma International Airport Schedule of Rules and Regulations*).

**Special Ammunition Response Team (SART)** - Specially trained VCDU members armed with less lethal options, including hand tossed tear gas grenades and tear gas munitions, via less lethal platforms.

**Survey** - Conducting surveys on behalf of not-for-profit organizations for charitable, patriotic, political, social justice, religious, or educational purposes (*Seattle-Tacoma International Airport Schedule of Rules and Regulations*).

**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 (RCW 10.116.030). CN is not utilized or authorized by the POSPD.

**Terminal** - Gates, Ticket Counters, Baggage Areas, office space, storage areas, concourses, lobbies, VIP lounges, international arrivals areas, employee break rooms, and public areas located within the "drip-line" of the passenger terminal building at the Airport. For purposes of this definition, the "drip-line" shall mean the footprint (improved or unimproved) inside the outer limits of the passenger terminal building, which in all cases should not extend beyond the roof drip-line.

**Valley Civil Disturbance Unit (VCDU)** - The primary team in the South King County Area (Auburn, Federal Way, Kent, Renton, Tukwila, and the Port of Seattle), VCDU is a regional asset that provides effective crowd control via well trained and equipped police response to civil disturbances.

**Valley Special Weapons and Tactics (VSWAT)** - The primary tactical response team in the South King County Area (Auburn, Des Moines, Federal Way, Kent, Renton, Tukwila, and the Port of Seattle), VSWAT is a regional asset that supports its member agencies and other requesting law enforcement entities in tactical situations that are beyond the scope of regular patrol officers and require special tactics, weapons, and equipment to reach an appropriate, safe, and lawful conclusion.

**Violation** - The commission of an act that violates Port Rules and Regulations, Security Plan, or Code of Federal Regulation (CFR).

#### **412.2 POLICY**

The Port of Seattle 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.

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#### **412.3 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. For areas governed by the *Seattle-Tacoma International Airport Schedule of Rules and Regulations, Section 7-F* provides additional limitations on first amendment activities at SEA to protect critical operations. Engaging in activity without a required permit or other violations of these rules may subject participants to arrest for trespass. 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 public assembly, constitutionally protected actions and speech.
- Public disturbance, typically involving criminal acts such as criminal trespass, criminal mischief, failure to disperse, disorderly conduct, and/or false reporting.
- Rioting, where unlawful behavior within a crowd cannot be controlled, acts are being committed by three or more persons that pose an imminent threat of violence against persons or property, and/or significant un-permitted traffic disruption poses an imminent threat of harm to members of the assembly and/or the traveling public.

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 to 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 command to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

#### **412.3.1 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.

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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.

#### **412.4 UNPLANNED EVENTS**

When responding to an unplanned, spontaneous, and/or un-permitted public assembly, public disturbance, or riot, especially one that affects the continuity of operations at the airport or seaport, 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 the Communications Center, 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.

*Seattle-Tacoma International Airport Schedule of Rules and Regulations Section 7-F* provides guidelines for first amendment activities at SEA.

#### **412.5 PLANNED EVENT PREPARATION**

*Seattle-Tacoma International Airport Schedule of Rules and Regulations Section 7-F* provides guidelines for first amendment activities at SEA. For planned events that rise to the level of public disturbance or riot and require POSPD CMU and/or VCDU response, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **412.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.



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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information 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).

Relevant information should be communicated to the appropriate parties in a timely manner.

#### 412.5.2 OPERATIONAL PLANS

Operational plans are a crucial aspect of managing the response to a planned demonstration or public assembly. 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 should be used to brief those officers in the operation.

#### 412.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated consistent with the POSPD **Mutual Aid** Policy.

#### 412.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a permitted public assembly 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.

If a public assembly is not permitted and/or should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, then they 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, 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.

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#### **412.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the POSPD ***Use of Force***, ***Handcuffing and Restraint***, ***Control Devices and Techniques***, and ***Conducted Energy Device (TASER) Guidelines*** Policies).

Force or control devices, including oleoresin capsicum (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. Tear Gas (CS) shall be used in a way that is consistent with POSPD ***Control Devices and Techniques*** Policy and *RCW 10.116.030 - Use of tear gas*.

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.

#### **412.8 ARRESTS**

The Port of Seattle Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan, the *Port of Seattle Police Department Policy Manual*, the *Seattle-Tacoma International Airport Schedule of Rules and Regulations (Section 7-F)*, and the POSPD Unusual Occurrence (UO) Manual. If practicable, warnings or advisements should be communicated prior to arrest.

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.

#### **412.9 MEDIA RELATIONS**

Consistent with the POSPD ***News Media Relations*** Policy, the Chief of Police, designated Commander, or designated Public Information Officer should use appropriate 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, providing opportunities, when feasible, to reassure the public about the professional management of the event.

#### **412.10 DEMOBILIZATION**

Consistent with the Port of Seattle Police Department *Unusual Occurrence Manual*, 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.

#### **412.11 POST EVENT**

The Incident Commander should coordinate tasks to assemble full documentation of the event, to include the following:

- (a) Operational plan

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- (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, Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

#### 412.11.1 AFTER-ACTION REPORTING

Consistent with the POSPD **After Action Report** Section of the **Mutual Aid** Policy, the Incident Commander or a POSPD CMU Sergeant assigned/deployed to the event will complete a report within the POSPD CAD/RMS. The report number will correspond with the call for service number associated with the event. All POSPD Officers deployed to the event will complete an appropriate report. Those reports associated with the event will be uploaded with the Incident Commander/ POSPD CMU Sergeant's report.

Also consistent with the POSPD **After Action Report** Section of the **Mutual Aid** Policy, the POSPD will independently assess each large-scale POSPD response to public assemblies, demonstrations, public disturbances, and/or riots. Officers involved in large-scale crowd management responses will participate in after-action discussions, either in-person or by proxy. The Incident Commander or designee will facilitate after-action discussions and reports. Large-scale crowd management responses will be presented to the Office of the Chief via the associated POSPD Incident Commander following the mutual aid event. Should there be a need for further review of the crowd management response presented to the Office of the Chief, that review will be conducted at the direction of the Chief. Areas of interest in the review of large-scale crowd management response include but are not limited to: the decision to activate POSPD personnel; the decision whether or not to request mutual aid via the activation of VCDU, VIIT, and/or VSWAT; the utilization of the Incident Command System (ICS); and the adherence to POSPD Policy.

#### 412.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. POSPD CMU Members should regularly train with its external and mutual aid partners.

## Cruise Ship Operations

### **413.1 SUPERVISORY RESPONSIBILITIES**

On-duty patrol supervisors will oversee deployment of Waterfront Units, ensuring seaport and cruise stakeholders are contacted regularly to determine operational requirements and adjust officer deployment as needed.

#### **413.1.1 OFFICER RESPONSIBILITIES**

Seaport patrol officers should emphasize and focus on customer service, protection of passengers in and around cruise ship areas, and strive towards creating a safe environment for the public. All units will patrol in vehicles, on foot or on bikes as appropriate, serving as a visible deterrent, contacting cruise terminal stakeholders frequently, and responding to incidents where and as needed.

## Death Investigation

### 414.1 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.

### 414.2 POLICY

It is the policy of the Port of Seattle 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.

### 414.3 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 Criminal Investigations Division Commander as necessary. The Watch Commander will make notification to command staff in accordance with the POSPD **Major Incident Notification** Policy.

#### 414.3.1 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.

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- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulation, suffocation, or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge, or sodomy.
- (m) Where death occurs in a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

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

#### 414.3.2 DEATH NOTIFICATION

To view the procedures regarding death notifications, see the POSPD ***Next-of-Kin Notification*** Policy.

#### 414.3.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the ME arrives, the medical examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### 414.3.4 REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 414.3.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Criminal Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### 414.3.6 INDIGENOUS PERSONS

Upon knowledge that the remains are of an indigenous person, officers 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

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Examiner and the lead investigator while the remains are under the jurisdiction of the Medical Examiner (RCW 68.50.325).

#### 414.3.7 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 Department of Labor and Industries Division of Occupational Safety and Health (DOSH) office is notified of all pertinent information.

# Domestic Violence

## 415.1 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.

### 415.1.1 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 10.99.020:

**Agency** - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**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.

**Dating Relationship** - Means a social relationship of a romantic nature RCW 7.105.010(8).

**Domestic Violence** - Includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner (RCW 10.99.020): assault, drive-by shooting, reckless endangerment, coercion, burglary, criminal trespass, malicious mischief, kidnapping, unlawful imprisonment, violation of a restraining / no-contact / protection order, rape, residential burglary, stalking, and/or interference with the reporting of domestic violence.

**Electronic Monitoring** - means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to: (a) radio frequency signaling technology; and (b) active or passive global positioning system technology.

**Employee** - Means any person currently employed with an agency.

**Family or Household Members** - Means (a) adult persons related by blood or marriage; (b) adult persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

**Foreign Protection Order** - Means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action (RCW 26.52.010).



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**Harassment** - Includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as harassment or a crime committed in another jurisdiction that under the laws of this state would be classified as harassment under RCW 9A.46.020 and/or RCW 9A.46.040 (RCW 26.52.010).

**Hope Card** - A laminated, wallet-sized card that provides the protected person a more portable, durable way to provide important information about an existing protection order that officers can use to assist in the verification of the order in the case of a potential violation.

**Intimate Partner** - Means (a) spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; or (f) persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship.

**Sworn Employee** - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

**Victim** - Means a family or household member or intimate partner who has been subjected to domestic violence.

#### **415.2 POLICY**

The Port of Seattle 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.

#### **415.3 OFFICER SAFETY**

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provisions 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.

##### **415.3.1 OFFICER PROTECTION FROM LIABILITY**

No officer may be held criminally or civilly liable for making a domestic violence arrest if the officer acts in good faith and without malice (RCW 10.31.100 (15)). Officers who willfully fail to enforce the law are not immune from liability, the above statutes notwithstanding. Victims of domestic violence must receive equal protection under the law and it is the policy of the Port of Seattle Police Department that all officers will be held accountable for any willful failure to enforce domestic violence laws.

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#### **415.4 ENFORCEMENT**

##### **415.4.1 MANDATORY ARRESTS**

Officers who respond to an incident of domestic disturbance shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

- (a) An order has been issued of which the person has knowledge under RCW 26.44.063, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26B, or 74.34 restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person.
- (b) A foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. It is a Federal crime for a person to travel in interstate or foreign commerce, or leave or enter Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner who is the respondent of a valid order. 18 U.S.C. 2261
- (c) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member and the officer believes (RCW 10.31.100 (2)):
  - 1. A felonious assault has occurred.
  - 2. An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not.
  - 3. That any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition.

##### **415.4.2 DUAL ARRESTS**

In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the primary aggressor in any incident. The primary aggressor is the person determined to be the most significant, rather than the first aggressor. In identifying the primary aggressor, an officer shall consider (RCW 10.31.100(2)(c)):

- (a) The intent of the law to protect victims of domestic violence from continuing abuse.
- (b) The comparative extent of injuries inflicted or serious threats creating fear of physical injury.

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- (c) The history of domestic violence between the persons involved.

#### 415.4.3 RELEASE

Once a suspect has been arrested under the provisions of RCW 10.31.100(2) the suspect shall be taken to jail. Officers have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

#### 415.4.4 VICTIM'S RIGHTS

The officer shall notify the victim of their right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence (RCW 10.99.030(6)(a)).

#### 415.4.5 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.

#### 415.4.6 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officer 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.

#### 415.4.7 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.

#### 415.4.8 PROTECTIVE ORDER VIOLATIONS

A willful violation of a no-contact provision of a court order is a criminal offense and shall be enforced accordingly to preserve the integrity and intent of the domestic violence act (RCW 26.50.110 (1)). An officer shall arrest without a warrant and take into custody a person whom the officer has probable cause to believe has violated a valid protective order (RCW chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.26.B, or 74.34), or a valid foreign protection order that restrains

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the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order (RCW 26.50.110 (2)(2)).

The full faith and credit provisions of the Violence Against Women Act (VAWA) of 1994 requires that: Valid orders of protection must be enforced to protect victims wherever a violation occurs, regardless of where the order was issued.

#### **415.4.9 TENANCY ISSUES**

- (a) If there is no court order in effect, officers may request a person who is not in lawful possession of the premises to leave when:
  - 1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.); and
  - 2. The complainant has requested that the person leave the premises.
- (b) The officer should stand by until the suspect removes essential belongings.
  - 1. Officers will not assist or participate in the division of property.
  - 2. Such civil standbys should be limited to no more than 20 minutes.
- (c) If the suspect does not leave upon request, an arrest may be made for trespass.
- (d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Protection Order or other appropriate civil remedy.

#### **415.5 INVESTIGATIONS**

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a

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person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Division 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, including all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030).
  - 2. Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.

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11. The racial, cultural, social, professional position, or sexual orientation of the victim or suspect.
- (k) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

#### **415.5.1 PHOTOGRAPHS OF INJURIES**

All visible injuries should be photographed regardless of severity, taking care to preserve the victim's personal privacy; and all victims shall receive proper medical care prior to being photographed, if needed or desired.

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 shall be advised to contact the Criminal Investigations Division, in the event they later become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

#### **415.5.2 OTHER EVIDENCE**

All injuries, whether observable or not, should be documented in the incident report. The emotional demeanor of the victim and suspect should be noted.

Officers should impound all physical evidence that substantiates the victim's injuries and/or the crimes charged (e.g., weapons, torn clothing, and broken items).

Whenever possible, officers should attempt to preserve the 9-1-1 tape of the call for assistance, particularly when the victim is the calling party.

The signed Medical Release Form should also be preserved as evidence.

#### **415.6 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.

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- (h) Seek or assist the victim in obtaining an emergency order if appropriate (RCW 10.99.040).

#### **415.7 COURT ORDERS**

There are three different types of court orders that can be issued by a court in domestic violence situations. They are intended as legal measures to prevent further acts of violence, contact, threats or harassment.

The three types of orders are:

- (a) **Orders of Protection**

- 1. Orders for protection must be personally served on the respondent by law enforcement or a process server unless the court has ordered service by publication. The plaintiff cannot serve the respondent.

- (b) **Civil Restraining Order**

- 1. A restraining order is served on the respondent or the respondent's attorney. Usually this is part of a civil process, e.g., divorce.

- (c) **Criminal Court Orders**

- (a) A criminal no-contact order is served on the defendant upon release from jail, at arraignment or sentencing. This department maintains a complete and systematic record of all outstanding court orders and proof of service (RCW 26.50.100(1)).

#### **415.7.1 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 / .801 shall :

- (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, via lawful search, or with consent from the subject.
  - 1. If the subject indicates by word or action that he/she will not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.
  - 2. In addition, an affidavit shall be filed 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.
- (c) Issue a receipt for any surrendered items.
  - 1. The officer should ensure the original receipt is forwarded to the Police Specialist as soon as practicable for filing with the court.
  - 2. In addition to filing the receipt of items, the court shall also be provided with verification that any concealed pistol license was surrendered by the person

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pursuant to the court order and that the agency with authority to revoke the license has been notified.

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

#### 415.7.2 RETURN OF SERVICE

Whenever a member of this department serves or assists in serving a court order and service is completed, a Return of Service Form shall be completed and submitted to the Washington Crime Information Center (WACIC).

Such forms shall include:

- (a) Who was served.
- (b) What documents were served.
- (c) Court order name and number.
- (d) Date and time of service.
- (e) Address where service occurred.
- (f) Serving officers' names, signatures and badge numbers.

#### 415.7.3 HOPE CARD PROGRAM

The Hope Card Program is a centralized program at the Administrative Office of the Courts (AOC) for the issuance of protection order Hope Cards in scannable electronic format by superior and district courts (RCW 7.105.352). The following full civil protection orders, which must be past temporary status before cards can be issued, are included within the Hope Card Program:

- (a) Domestic Violence Protection Order (DVPO) per RCW 7.105.100(a)
- (b) Sexual Assault Protection Order (SAPO) per RCW 7.105.100(b)
- (c) Stalking Protection Order (SPO) per RCW 7.105.100(c)
- (d) Vulnerable Adult Protection Order (VAPO) per RCW 7.105.100(d)
- (e) Anti-Harassment Protection Order (AHPO) per RCW 7.105.100(f)

Officers shall accept the Hope Card as an indicator of an underlying full civil protection order, however, officers shall verify the order per the **Verification of Court Orders** Subsection of this Policy.

#### 415.7.4 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.

When officers respond to violations of court orders it is necessary to verify the court order and its service prior to taking any enforcement action. All types of court orders are valid statewide.

Court orders can be verified by:



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- (a) A proof of service attached to the plaintiff's copy of the order showing service on the respondent; no further verification is required.
- (b) Washington Crime Information Center (WACIC) check.
- (c) Contacting the law enforcement agency in the jurisdiction where the order was issued.
- (d) Contacting the issuing court clerk's office.
- (e) Determining that the respondent has knowledge of the order:
  - 1. No proof of service is required for no-contact orders as the respondent's presence is required at the time of issue.
  - 2. If the order has been served, but neither the complainant nor the respondent has a copy reflecting the terms of the order, request that dispatch check the terms.

If the order is not verifiable:

- (a) The order shall not be enforced and the complainant should be advised to contact the court that issued the order or the attorney who drafted the order.
- (b) Arrest the suspect if probable cause exists that a separate crime has been committed.

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.

#### **415.7.5 RECORDS SECTION RESPONSIBILITIES**

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

#### **415.7.6 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.

#### **415.7.7 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 Chapter 26.55.

#### **415.8 DOCUMENTING DOMESTIC VIOLENCE INCIDENTS**

A written report must be completed on all incidents of domestic violence including when:

- (a) The suspect is at, or has fled, the scene and mandatory arrest **is** warranted.
- (b) The suspect is at, or has fled, the scene and mandatory arrest **is not** warranted.

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All such reports should be documented under the appropriate crime classification to include the distinction of, "Domestic Violence" being made (RCW 10.99.030(10)).

Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

#### **415.8.1 RECORD-KEEPING RESPONSIBILITIES**

All law enforcement agencies are required to maintain records on the number of domestic violence related calls reported to their agency. This information is to be reported to the Washington Association of Sheriff's and Police Chiefs. It shall be the responsibility of the police specialist assigned to records to maintain and report this information as required (RCW 10.99.030).

#### **415.9 COMMUNICATIONS SPECIALIST'S RESPONSIBILITIES**

This department considers calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any protection order and restraining orders to be of extreme importance and shall be ranked among the highest priorities.

Communications specialists are not required to verify the validity of a court order before responding to a request for assistance.

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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

# Emergency Detentions

## 416.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

## 416.2 POLICY

It is the policy of the Port of Seattle Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

### 416.2.1 MENTAL HEALTH DETENTIONS

- (a) A non-emergent detention is defined as one where the mentally disabled subject presents a likelihood of serious harm or is gravely disabled. In such cases, officers may take the subject into custody only when:
  - 1. The mentally disabled person has been evaluated by a Designated Crisis Responder (DCR); and
  - 2. Upon determining the need for detention, the DCR has filed a petition for initial detention; and
  - 3. The DCR has requested that the officer take the subject into custody and have him or her placed in a treatment facility (RCW 71.05.150).
- (b) An emergent detention is defined as one where, as the result of a mental disorder or substance use disorder a person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled. In such cases, officers may take the subject into custody only (RCW 71.05):
  - 1. At the written or oral request of a DCR who has evaluated the subject and determined the need for an emergent detention, or
  - 2. When the officer has reasonable cause to believe that the person is in need of emergent detention.
- (c) Emergent detentions based upon the written or oral request of a DCR evaluation will be 120-hour holds. Emergent detentions based upon the officer's reasonable cause will be 12-hour holds.
- (d) In all circumstances where a person is taken into custody as a result of a mental or substance use disorder, the officer shall also provide a verbal or written summary to an Emergency Department staff member regarding the circumstances leading to the involuntary detention.

## 416.3 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):

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- (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.

#### **416.3.1 VOLUNTARY EVALUATION**

If an officer encounters an individual who may qualify for emergency detention, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers shall:

- (a) Request a medical transport via the Communications Center for the individual to an appropriate facility that is able to conduct the evaluation and, admit the person when necessary; or transport the individual to an appropriate facility that is able to conduct the evaluation, and admit the person when necessary.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission. Document the details of the incident in a case report.

If at any point the individual changes their mind regarding voluntary evaluation, officers should proceed with the emergency detention process, if appropriate.

#### **416.4 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.
- (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.

#### **416.5 TRANSPORTATION**

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

Officers shall:

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- (a) Request a medical Transport via the Communications Center for the individual to an appropriate facility that is able to conduct the evaluation and, admit the person. when necessary; or
- (b) Transport the individual in a patrol vehicle to an appropriate facility that is able to conduct the evaluation, and admit the person when necessary; when transporting individuals in a patrol vehicle, officers shall secure them in accordance with the ***Handcuffing and Restraints*** Policy.

#### **416.6 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, officer will not apply facility-ordered restraints.

##### **416.6.1 RESTRAINTS IN FACILITY**

If the individual is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will be present while they are being applied to help provide physical control of the individual, if needed.

##### **416.6.2 SECURING OF FIREARMS WHILE IN FACILITY**

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

#### **416.7 DOCUMENTATION**

Whenever an officer assists a person with admitting themselves to a medical facility for crisis treatment, the officer shall document the details of the incident on an Involuntary Treatment Act (ITA) and Behavioral Health Referral Form and in a case report. The officer shall provide a copy of the Involuntary Treatment Act (ITA) and Behavioral Health Referral Form to the facility staff member assigned to the individual and retain a copy 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.

#### **416.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

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When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for emergency detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

#### **416.9 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, and/or as part of the POSPD **Extreme Risk Protection Orders** Policy).

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.

##### **416.9.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

Weapons taken into custody for safekeeping will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention, the petition has been granted, or is pending before the court. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Evidence and Property Room personnel shall be required to ensure the person may lawfully possess the weapon (see the **Return of Firearms** Subsection of the POSPD **Property and Evidence** Policy).

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

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Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification.

#### **416.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

# Extreme Risk Protection Orders

## 417.1 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.

### 417.1.1 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.

## 417.2 POLICY

It is the policy of the Port of Seattle 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.

## 417.3 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).

### 417.3.1 NOTICE OF PETITION

When a member of the Port of Seattle Police Department petitions for an extreme risk protection order, they 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).

### 417.3.2 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):



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- (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 Port of Seattle 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).

#### **417.4 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).

##### **417.4.1 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

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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 Police Specialist 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).

#### 417.4.2 SAFETY CONSIDERATIONS

Upon receipt of extreme risk protection order, the on-duty supervisor 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 policy.

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

#### 417.4.3 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 Police Specialist.
- (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 Police Specialist.

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

#### 417.5 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the POSPD **Warrant Service** Policy.

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#### **417.6 CRIMINAL INVESTIGATIONS DIVISION AND COMMUNICATIONS SUPERVISOR AND RECORDS RESPONSIBILITIES**

The Police Specialist 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.

#### **417.7 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.
- (d) Provide a property receipt to the person who surrendered the firearms (RCW 7.105.340).
  - 1. The original receipt is to be forward to the police specialist assigned to records.
- (e) Package and submit the firearms in accordance with the POSPD **Property and Evidence** Policy.

#### **417.8 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).

#### **417.9 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Criminal Investigations Division 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).

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#### **417.10 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).

#### **417.11 ORDERS TO SHOW CAUSE**

When the Department receives notice from the court of an order to show cause, the Criminal Investigations Division 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

#### **417.12 EXTREME RISK PROTECTION ORDER COORDINATOR**

The Chief of Police should designate an extreme risk protection order coordinator from the Criminal Investigations Division. 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.

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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 Police Specialist 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 Training Sergeant 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.

# Foreign Diplomatic and Consular Representatives

## 418.1 PURPOSE AND SCOPE

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

## 418.2 POLICY

The Port of Seattle 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.

## 418.3 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.

## 418.4 ENFORCEMENT ACTION

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

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- (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

#### **418.5 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.

#### **418.6 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 |
|----------|----------------------|------------------------------------------------|-------------------------|-----------------------|------------|---------------------------|
|          |                      |                                                |                         |                       |            |                           |

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|                                                        |                                                        |              |     |                                                                   |                                               |                                                 |
|--------------------------------------------------------|--------------------------------------------------------|--------------|-----|-------------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------|
| <b>Diplomatic Agent</b>                                | No (note b)                                            | No           | Yes | No                                                                | No                                            | Same as sponsor (full immunity & inviolability) |
| <b>Member of Admin and Tech Staff</b>                  | No (note b)                                            | No           | Yes | No                                                                | No                                            | Same as sponsor (full immunity & inviolability) |
| <b>Service Staff</b>                                   | Yes (note a)                                           | Yes          | Yes | Yes                                                               | No for official acts. Yes otherwise (note a). | No immunity or inviolability (note a)           |
| <b>Career Consul Officer</b>                           | 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                    |
| <b>Honorable Consul Officer</b>                        | Yes                                                    | Yes          | Yes | No for official acts. Yes otherwise.                              | No for official acts. Yes otherwise.          | No immunity or inviolability                    |
| <b>Consulate Employees</b>                             | 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)           |
| <b>Int'l Org Staff (note b)</b>                        | Yes (note c)                                           | Yes (note c) | Yes | Yes (note c)                                                      | No for official acts. Yes otherwise (note c). | No immunity or inviolability                    |
| <b>Diplomatic-Level Staff of Missions to Int'l Org</b> | No (note b)                                            | No           | Yes | No                                                                | No                                            | Same as sponsor (full immunity & inviolability) |
| <b>Support Staff of Missions to Int'l Orgs</b>         | 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.



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- (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.

# Hate Crimes

## 419.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 419.1.1 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110 and RCW 43.10.305:

**Bias incident** - A person's hostile expression of animus toward another person, relating to the other person's actual or perceived characteristics a listed in RCW 9A.36.080(1) or RCW 49.60.030(a), of which criminal investigation or prosecution is impossible or inappropriate. "Bias incident" does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer, and does not include expressions of opposition or support for the actions or policies of a foreign or domestic government protected under free speech.

**Bodily injury, physical injury, or bodily harm** - Physical pain or injury, illness, or an impairment of physical condition.

**Gender expression or identity** - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

**Hate crime** - The commission, attempted commission, or alleged commission of an offense described in RCW 9A.36.080. Summarized, hate crimes involve a nexus between the assault, damage or destruction of property, and/or threats committed maliciously and intentionally upon perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.

**Hate Crimes and Bias Incidents Hotline** - The communications channel or channels overseen by the attorney general's office.

**Hope Card** - A laminated, wallet-sized card that provides the protected person a more portable, durable way to provide important information about an existing protection order that officers can use to assist in the verification of the order in the case of a potential violation.

**Malice and maliciously** - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or

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an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**Personal identifying information** - Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, date or place of birth, residence, mailing address, telephone number, email address, social security number, driver's license number, bank account number, or other similar information.

**Protected class** - Individuals who are members of, or perceived as being members of, a group based on one or more of the following shared characteristics: Race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identify, or mental, physical, or sensory disability.

**Reasonable person** - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim (RCW 9A.36.080).

**Sexual orientation** - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

#### **419.2 POLICY**

The Port of Seattle 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.

#### **419.3 CRIMINAL STATUTES**

##### **419.3.1 HATE CRIME OFFENSES**

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, ethnicity, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

- (a) Causes physical injury to the victim or another person.
- (b) Causes physical damage to or destruction of the property of the victim or another person.
- (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in RCW 9A.36.080(2).

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#### 419.3.2 THREATS TO BOMB OR INJURE PROPERTY

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9A.160).

#### 419.3.3 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

#### 419.4 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).

#### 419.5 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.

##### 419.5.1 HOPE CARD PROGRAM

The Hope Card Program is a centralized program at the Administrative Office of the Courts (AOC) for the issuance of protection order Hope Cards (RCW 7.105.352). The following full civil protection orders, which must be past temporary status before cards can be issued, are included within the Hope Card Program:

- (a) Domestic Violence Protection Order (DVPO) per RCW 7.105.100(a)
- (b) Sexual Assault Protection Order (SAPO) per RCW 7.105.100(b)
- (c) Stalking Protection Order (SPO) per RCW 7.105.100(c)
- (d) Vulnerable Adult Protection Order (VAPO) per RCW 7.105.100(d)
- (e) Anti-Harassment Protection Order (AHPO) per RCW 7.105.100(f)

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Officers shall accept the Hope Card as an indicator of an underlying full civil protection order, however, officers shall verify the order per the **Verification of Court Orders** Subsection of the **Domestic Violence** Policy.

#### 419.5.2 HATE CRIMES AND BIAS INCIDENTS HOTLINE

The Washington State Attorney General's Office oversees a Hate Crimes and Bias Incidents Hotline staffed during business hours and dedicated to assisting people who have been targeted or affected by hate crimes and bias incidents (RCW 43.10.305).

Any law enforcement agency in this state that receives a report of a hate crime or bias incident shall provide the phone number and website address of the hotline to the targeted or affected person (RCW 43.10.305).

Whenever a hate crime is reported to the hotline by a member of the public, the hotline shall inquire whether the person reported the hate crime or bias incident to law enforcement. If the person targeted or affected by the hate crime or bias incident consents to sharing personal identifying information with the primary local law enforcement agency of the jurisdiction in which the hate crime or bias incident occurred, the hotline shall promptly share the targeted or affected person's name, address, and contact information with the primary local law enforcement agency. If the targeted or affected person consents to share some but not all personal identifying information, the hotline must share only the information the targeted or affected person has consented to share (RCW 43.10.305).

#### 419.6 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) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

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- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with the Washington State Attorney General's Hate Crimes and Bias Incidents Hotline phone number and website address (RCW 43.10.305). State Hotline information will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

#### **419.6.1 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITY**

If a case is assigned to the Criminal Investigations Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Provide the records section sufficient case information to facilitate reporting to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

#### **419.7 TRAINING**

All commissioned members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

#### **419.8 RECORDS SECTION RESPONSIBILITY**

The police specialist assigned to records will maintain statistical data on suspected hate crimes and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

# Hazardous Material Response

## 420.1 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.

### 420.1.1 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.

## 420.2 POLICY

It is the policy of the Port of Seattle Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

## 420.3 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.

## 420.4 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 applicable Division Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

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#### 420.4.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

#### 420.4.2 RISK MANAGEMENT NOTIFICATION

The employee and supervisor shall ensure that Risk Management is notified of the exposure pursuant to Port Policy.

#### 420.5 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 the Communications Center, 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.



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- (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.
- (j) Activate automated community notification systems, if applicable.
- (k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Seattle Local Emergency Planning Committee (LEPC) procedures.

## Homeless Persons

### 421.1 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 Port of Seattle Police Department recognizes that members of the homeless community are often in need of special protection and services. The Port of Seattle 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 POSPD ***Emergency Detentions*** Policy).

#### 421.1.1 POLICY

It is the policy of the Port of Seattle 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.

### 421.2 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.

#### 421.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

#### **421.3 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

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 or the department Crisis Coordinator. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Crisis Coordinator.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Crisis Coordinator if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Crisis Coordinator to address the matter in a timely fashion.

#### **421.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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#### **421.5 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.

# Hostage and Barricade Incidents

## 422.1 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.

### 422.1.1 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.

## 422.2 POLICY

It is the policy of the Port of Seattle 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.

## 422.3 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.

### 422.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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#### **422.4 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.

##### **422.4.1 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, 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 (PIO).

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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 422.4.2 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, attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the POSPD **Rapid Response and Deployment** Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., 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 PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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#### **422.5 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 Command 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 Port during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department and/or Port Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

#### **422.6 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.



# Identity Theft

## 423.1 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.

## 423.2 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.

# Immigration Violations

## **424.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the Port of Seattle Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

## **424.2 POLICY**

It is the policy of the Port of Seattle Police Department that officers will not initiate police action based solely on an individual's immigration or alien status, nor shall they ask for identification or documents to establish the person's immigration or alien status. Under ordinary circumstances, a general request for adequate identification as part of a criminal investigation is all that is necessary or appropriate.

Furthermore, it is this organization's intent to foster trust and cooperation with all people served by the Department. Complainants, witnesses, and victims are encouraged to communicate with police officers without fear of inquiry regarding their immigration or alien status. Being an undocumented person in this country, barring any criminal activity, is a federal civil violation not enforced by officers of the Department.

## **424.3 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.

## **424.4 ENFORCEMENT**

Officers will not initiate police action based solely on an individual's immigration or alien status, nor shall they ask for identification or documents to establish the person's immigration or alien status. However, if offered by a person and not specifically requested by the officer, it is permissible to rely on immigration documents to establish someone's identity in response to a general request for identification. They may also be presented by the person if this is their only source of identification. Under ordinary circumstances, a general request for adequate identification as part of a criminal investigation is all that is necessary or appropriate. Officers may ask the person if they are a foreign national after they are arrested or detained so that the appropriate notification can be made to consular officials.

## **424.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation procedures.

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No individual who is otherwise ready to be released by an officer should continue to be detained solely for the purpose of notification.

#### **424.6 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; RCW 2.28.310):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

##### **424.6.1 IMMIGRATION HOLDS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

#### **424.7 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division (CID) Supervisor assigned to oversee the handling of any related case. The CID Supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (RCW 7.98.020).
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### 424.7.1 TIME FRAME FOR COMPLETION

The CID Supervisor should ensure that the certification for the U visa or T visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received. The certification may be withdrawn only if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the department (RCW 7.98.020).

#### 424.7.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

The CID supervisor shall keep written documentation regarding the number of certification forms that are (RCW 7.98.020):

- (a) Requested by a victim.
- (b) Signed.
- (c) Denied.
- (d) Withdrawn.

The CID supervisor or the authorized designee should ensure that the information collected regarding certification forms is reported annually to the Office of Crime Victims Advocacy (RCW 7.98.020).

#### 424.7.3 RELEASE OF INFORMATION

Personal identifying information or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification shall not be disclosed except when allowed by law (RCW 7.98.020). See also the POSPD **Records Maintenance and Release (CALEA 82.1.1)** Policy.

### 424.8 TRAINING

All commissioned personnel shall receive annual training on this policy. Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (c) Statutory limitations on immigration enforcement.
- (d) U visa and T visa certification training.
- (e) Appropriate information sharing pursuant to 8 USC § 1373.

### 424.9 WASHINGTON STATE IMMIGRATION RESTRICTIONS

Members shall not (RCW 10.93.160):

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- (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.
- (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

# Medical Cannabis

## 425.1 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.).

### 425.1.1 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

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**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.

#### **425.2 POLICY**

It is the policy of the Port of Seattle 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.

#### **425.3 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.

##### **425.3.1 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.

##### **425.3.2 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):

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- (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).

#### 425.3.3 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.

#### 425.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis, or product, officers should consider the following:



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- (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).

#### **425.4 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.

#### **425.5 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.

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#### **425.6 PROPERTY AND EVIDENCE ROOM RESPONSIBILITIES**

The property and evidence technician 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 technician 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 technician may destroy cannabis that was alleged to be for medical purposes upon receipt of a court order.

The property and evidence technician may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Division Supervisor.

# Missing Persons

## **426.1 PURPOSE AND SCOPE (CALEA 41.2.5 / 41.2.6)**

This policy describes the procedure for acceptance, reporting, documenting, and investigating missing persons and unattended / unidentified children. RCW 13.60 et seq., as well as 42 USC § 5779(a), specify certain requirements relating to missing persons. This department will adopt any protocols for the investigation of reported missing persons developed pursuant to RCW 36.28A.100.

### **426.1.1 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).

## **426.2 POLICY**

The Port of Seattle 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 Port of Seattle Police Department gives missing person cases

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priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

#### 426.2.1 INVESTIGATION DILIGENCE

Members of this department should accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. The investigative actions include the following:

- (a) Make an assessment of reasonable steps to be taken to locate the person.
- (b) If the missing person is under 16-years of age, or there is evidence the person is at-risk or endangered, the department should broadcast a "be-on-the-lookout" radio transmission without delay within this jurisdiction.

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken; however, department members may assist in the investigation on a person who was last seen in this jurisdiction.

#### 426.2.2 TASK FORCE ON MISSING AND EXPLOITED CHILDREN

The Washington State Patrol Multiagency Taskforce on Missing and Exploited Children is available to assist local jurisdictions on missing cases through referrals, on-site assistance, case management, and training (RCW 13.60.110). The task force may assist agencies, upon request, by:

- (a) Direct assistance and case management.
- (b) Technical assistance.
- (c) Personnel training.
- (d) Referral for assistance from local, state, national, and international agencies.
- (e) Coordination and information sharing among local, state, interstate, and federal law enforcement and social service agencies.

#### 426.2.3 ENDANGERED AND RUNAWAY JUVENILES

Officers shall take a juvenile into custody whenever (RCW 43.185C.260):

- (a) The juvenile is a runaway from home or official child placement.
- (b) If there is reason to believe, based upon the totality of the circumstances that the juvenile would be in danger if not taken into custody. In such case the officer shall report the circumstance and custody to the Department of Social and Health Services.
- (c) A juvenile court has determined that the juvenile has violated a placement order or has issued a court order to take custody of a juvenile.
- (d) There is reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080.

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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. The officer should also inform the juvenile of the reason for the custody.

Officers shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized under RCW 43.185C.260. Officers should maintain custody of a juvenile until the person, agency or entity to whom the child is released agrees to accept custody.

Officers who transport juveniles to a crisis residential center who were either a runaway or endangered child shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody.

Endangered and runaway juveniles, except when in custody for separate criminal offenses, are status offenders. Status offenders may not be detained in police jails or lockups. They may not be held in a detention environment or come into contact with adults in custody in the station.

#### 426.2.4 UNATTENDED / UNIDENTIFIED CHILDREN (CALEA 41.2.6)

When members come into contact with unattended / unidentified children, the investigation shall focus on locating the parent / guardian and reuniting them with the child. If there is evidence the child was willfully abandoned, the officer shall conduct an investigation to determine the circumstances.

Officers shall take appropriate steps to ensure the safety of the child. If there is concern for their safety or welfare, the child may be taken into protective custody for placement with Child Protective Services (CPS).

Whenever the investigating officer believes an immediate threat to life or safety may exist or there are other emergent / unusual concerns surrounding the abandonment of a child, a supervisor will be promptly notified.

#### 426.2.5 CRIME INFORMATION CENTER

The Washington State Patrol (WSP) Missing and Unidentified Persons Unit (MUPU) assists law enforcement agencies and parents in locating missing persons. At the request of a parent, legal custodian or guardian who has reported a child as having run away from home, WSP will make the information about the runaway child available on its website (RCW 43.43.510(2)(a)).

At the time a report is taken for a missing or runaway child, officers should inform parents of the service provided by WSP and direct them to the appropriate website.

### **426.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Criminal Investigations Division 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

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- Missing person school notification form
- Medical records release form
- Biological sample collection kits

#### 426.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Port of Seattle Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section should promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports should also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

#### 426.3.2 NOTIFICATIONS

When a missing person is under the age of 21, Communications Center personnel shall enter the information, via A Central Computerized Enforcement Service System (ACCESS), into the Washington Crime Information Center (WACIC) and the National Crime Information Center (NCIC) databases within two hours after accepting the report (42 U.S.C. 5779(a)) and 42 U.S.C. 5780(3).

#### 426.3.3 AT-RISK AND ENDANGERED REQUIREMENTS

If a missing person is under 18-years of age and at-risk or endangered, or under 12-years of age and missing for more than 14 days, the handling detective should, without delay submit to the dentist, physician/surgeon, or medical facility the signed request for dental or skeletal X-rays or both.

#### 426.3.4 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 foul play is suspected, the handling officer or detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If after conferring with the coroner or medical examiner, the person is still determined to be missing the handling officers shall complete the following:

- (a) File a missing person's report with the Washington State Patrol missing and unidentified persons unit.
- (b) Initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms.
- (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 DNA samples shall be submitted to the appropriate lab, and dental records shall be submitted to the Washington State Patrol Missing and Unidentified Persons Unit (RCW 43.43.751 and 68.50.320).

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- (d) In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every three months in order to verify the status of the reported missing person. After twelve months, contacts with the reporting party should be attempted yearly. All verifications should be reported to WSP via ACCESS.

#### **426.4 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.

#### **426.5 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:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

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- (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).

#### **426.6 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.

##### **426.6.1 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 Records.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

##### **426.6.2 RECORDS RESPONSIBILITIES**

The responsibilities of the Records receiving member shall include, but are not limited to:



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- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the 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 Criminal Investigations Unit.
- (e) Coordinating with the Communications Center to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### **426.7 CRIMINAL INVESTIGATIONS DIVISION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update WACIC, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

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- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should make appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **426.7.1 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).

#### **426.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The assigned investigator 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.

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- (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.

#### **426.8.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying 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.

#### **426.9 CASE CLOSURE**

The Criminal Investigations Division 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 Seattle 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.

#### **426.10 TRAINING**

Subject to available resources, the Professional Development Sergeant, in coordination with the Criminal Investigations Unit Supervisor, 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

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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.

## Next-of-Kin Notification

### 427.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the notification of the next-of-kin of deceased, seriously injured or seriously ill persons is carried out in a prompt, professional and courteous manner. These procedures apply to cases originating within the Port of Seattle as well as notification requests received from outside agencies.

### 427.2 NOTIFICATION

When delivering notification of death or seriously injured or seriously ill persons, the following protocol should be followed:

- Death notifications will generally be handled by, or coordinated with, the King County Medical Examiner's office. Circumstances may, however, require that POSPD members assist with the delivery of death notifications.
- Officers should consider having a member of the chaplaincy accompany them when making a death notification.
- Whenever possible, notifications shall be made in person.
- Officers shall confirm the identity and relationship of notified persons to ensure that it is the next-of-kin receiving the notification.
- Officers shall assess the needs of the person(s) receiving the notification and determine if additional resources may be needed. Additional resources may include summoning family members, friends, clergy or medical aid as appropriate.
- If the next-of-kin lives in another jurisdiction, the law enforcement agency for that jurisdiction may be requested to arrange for the personal notification.

## Obtaining Air Support

### 428.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 428.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 428.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the on-duty supervisor, or his/her designee, will call the closest agency having helicopter support available. The supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

#### 428.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

## Outside Agency Assistance

### 429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting assistance from or responding to a request to assist another law enforcement agency.

### 429.2 POLICY

It is the policy of the Port of Seattle 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.

### 429.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the on-duty shift supervisor 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 on-duty shift supervisor 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 an on-duty supervisor of their activity as soon as practicable.

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.

#### 429.3.1 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 Port of Seattle Police Department shall notify his/her supervisor or other on-duty supervisor and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 429.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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

#### **429.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities shall be documented in a general case report or as directed by a supervisor.



## Patrol Function

### 430.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Operations Bureau of the Department to ensure intra-department cooperation and information sharing.

#### 430.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Port of Seattle, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between Patrol and other divisions within the department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and Problem Solving strategies.
- (i) Traffic direction and control.

#### 430.1.2 TERRORISM

It is the goal of the Port of Seattle 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. The supervisor should ensure that all terrorism related reports are forwarded to the Criminal Investigations Sergeant or their designee in a timely fashion.

Indicators of terrorism related activity may include, but are not limited to:

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- Possession of items related to critical infrastructure such as maps, photographs, or diagrams of potential targets, especially if they show construction / operational details.
- The photographing of infrastructure facilities to include buildings, bridges, military installations, airport or seaport facilities, etc.
- Possession of bomb-making materials, weapons of an unusual nature, manuals, or large amounts of currency with a nexus to criminal activity.
- Persons asking questions on security related issues that probes for security measures or response.
- Transportation of hazardous materials in an unconventional manner or without proper paperwork.

The supervisor should ensure that all terrorism related reports, field interview cards or other information is forwarded to the Criminal Investigations Division Sergeant or designee in a timely fashion. The Criminal Investigations Division Sergeant or designee shall forward the information to the department's Joint Terrorism Task Force member or applicable agency as soon as practicable. In circumstances where immediate notification needs to be made, the supervisor may contact the department's Joint Terrorism Task Force member or applicable agency directly.

#### **430.2 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 Port of Seattle Police Department.

##### **430.2.1 CRIME ANALYSIS UNIT**

The Criminal Investigations Division (CID) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to CID for distribution to all divisions within the department through daily and special bulletins.

##### **430.2.2 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 division for retention or follow-up investigation.

##### **430.2.3 PATROL ROLL CALL**

Patrol sergeants, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

##### **430.2.4 INFORMATION CLIPBOARDS**

Several information clipboards will be maintained in the Roll Call room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

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#### **430.2.5 BULLETIN BOARDS**

A bulletin board will be kept in the Roll Call room and the Criminal Investigations Division for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol sergeants and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the Roll Call room clipboard.

#### **430.2.6 OUTSIDE AGENCY INFORMATION EXCHANGE**

When exchanging investigative information with other agencies, our members should strive to provide and receive information that is contemporary, applicable and useful. Whenever a member exchanges relevant case information with an outside agency, the member shall record the facts regarding the information exchange in the case report.

#### **430.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## Patrol Shift Supervisors

### **431.1 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, Sergeants generally supervise each watch.

### **431.2 DESIGNATION AS ACTING PATROL SHIFT SUPERVISOR**

When a Sergeant is unavailable for duty as a patrol shift supervisor, in most instances a qualified officer on the Sergeant Civil Service Promotional Eligibility List may be designated as acting patrol shift supervisor. This policy does not preclude designating an officer not on the list as an acting patrol shift supervisor when operational needs require or training permits.

# Peer Support and Critical Incident Stress Management (CISM)

## 432.1 PURPOSE AND SCOPE

The Port of Seattle Police Department is committed to supporting its employees by implementing an approved Peer Support Team. The department acknowledges the value of providing Peer and Family Support services to its personnel and strives to promote a healthy, well-balanced work force by facilitating ongoing efforts of the Peer Support Program and the process known as, "Critical Incident Stress Management".

Emergency service personnel, responding to emergent events will see and experience circumstances that will, at times, strain or overwhelm their usually effective coping skills. These events which could include serious injuries, life threatening situations, tragedy and death are generally recognized as, "Critical Incidents". The department acknowledges a critical incident is any event, occurring on- or off-duty, which causes a stressful impact sufficient enough to overwhelm usually effective coping skills of an individual.

The physical and psychological well-being of those experiencing this stress, as well as their future ability to function throughout a prolonged response, will depend upon how well they manage this stress. Critical Incident Stress is typically identified as a, "normal reaction of normal people to an abnormal event". The Peer Support Team is prepared to help both, law enforcement and civilian employees, during a personal or professional crisis threatening the quality of their professional and/or personal lives.

## 432.2 UTILIZING PEER SUPPORT SERVICES

The Peer Support Team may be accessed through the affected employee's supervisor, the Peer Support Team Coordinator, or directly contacted via a team member.

## 432.3 CRITICAL INCIDENT WELLNESS CHECK

The Chief or designee will provide department members directly involved in a critical incident while on-duty with the opportunity to complete a critical incident wellness check. The wellness check:

- (a) Can be with a department designated or personally selected psychologist, psychiatrist, or other qualified mental health professional experienced with assisting law enforcement personnel and their families recognize and cope with the natural responses to a critical incident.
- (b) Will be considered privileged (RCW 5.60.060).
- (c) Should be scheduled within a reasonable period of time.

The only communication between the Chief or designee and the office of the involved psychologist, psychiatrist, or other qualified mental health professional will be regarding assistance with scheduling the wellness check. Absent the need for a separate fitness-for-duty exam (see the POSPD ***Fitness for Duty*** Policy), the involved department member may continue to work during the time between the critical incident and the wellness check.

## Police Training Officer Program (CALEA 33.4.3)

### 433.1 PURPOSE AND SCOPE

The Police 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 Port of Seattle Police Department.

It is the policy of this department to assign all new police officers to a structured Police 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.

### 433.2 POLICE TRAINING OFFICER SELECTION AND TRAINING

The Police Training Officer (PTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

#### 433.2.1 SELECTION PROCESS

PTO candidates shall, at a minimum, possess the following:

- (a) The desire to be a PTO.
- (b) A minimum of three years law enforcement experience, one year of which shall be with the Port of Seattle Police Department.
- (c) A valid Peace Officer Certificate with WSCJTC.
- (d) A demonstrated ability to act as a positive role model.
- (e) A demonstrated ability to write clear and concise reports.
- (f) A demonstrated general understanding of problem-based learning.

The PTO assessment shall include the following:

- (a) The candidate's submission of a letter of interest.
- (b) A written examination with a minimum score of 70% needed to pass.
- (c) An oral board interview.
- (d) Work performance review conducted by a Sergeant Review Panel.

At the completion of the assessment, a list of eligible PTO candidates will be established. This list will be sent to the Chief of Police for review and selection. The PTO eligibility list shall be valid for one year unless vacated or extended by the Chief of Police.

#### 433.2.2 TRAINING (CALEA 33.4.3 E)

An officer selected as a Police Training Officer shall successfully complete the Police Training Officer's Course prior to being assigned as a PTO. PTO's shall also receive periodic in-service training.

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### *Police Training Officer Program (CALEA 33.4.3)*

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#### **433.3 POLICE TRAINING OFFICER PROGRAM SUPERVISOR (CALEA 33.4.3 C)**

The Police Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Commander or his/her designee and shall possess a WSCJTC Supervisory Certificate.

The responsibilities of the PTO Program Supervisor include the following:

- (a) Assignment of trainees to PTOs.
- (b) Conduct PTO meetings.
- (c) Maintain and ensure PTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Police Training Manual to each trainee.
- (e) Monitor individual PTO performance.
- (f) Monitor overall PTO Program.
- (g) Maintain liaison with PTO coordinators of other agencies.
- (h) Develop ongoing training for PTOs.

#### **433.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Port of Seattle Police Department who has successfully completed the WSCJTC approved Basic Academy.

#### **433.5 REQUIRED TRAINING (CALEA 33.4.3 A)**

Entry level officers shall be required to successfully complete the Police Training Program, consisting of a minimum of 15 weeks.

The training period for lateral officers may be modified depending on the student officer's demonstrated performance and level of experience, but shall consist of a minimum of six weeks.

All newly appointed officers must successfully complete the Police Training Officer Program prior to assuming their law enforcement duties.

The Criminal Justice Training Academy addresses only a limited number of policies or issues that are specific to the Port of Seattle Police Department. Therefore, all relevant departmental standards, policies, rules, regulations, etc., shall be covered during the officer's post-academy training phase provided by our department and the officer's Police Training Officer (PTO) course of instruction.

##### **433.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Police 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 Port of Seattle 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.

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### *Police Training Officer Program (CALEA 33.4.3)*

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The Police Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Port of Seattle Police Department.

#### **433.6 EVALUATIONS (CALEA 33.4.3 G)**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **433.6.1 POLICE TRAINING OFFICER**

The PTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the PTO 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.

##### **433.6.2 IMMEDIATE SUPERVISOR**

The shift supervisor will notify the PTO program supervisor of any issues or concerns relating to the student officer.

##### **433.6.3 POLICE TRAINING ADMINISTRATOR**

The Police Training Officer Program Supervisor will review the student officer's professional daily journal on a weekly basis. Also, each week the Coaching and Training Reports will be reviewed by the Police Training Officer Program Supervisor.

The Police Training Officer Program Supervisor will keep the Patrol Commander apprised of the progress the student officer is making.

##### **433.6.4 TRAINEE**

At the final Board of Evaluator's meeting, the student officer shall have the opportunity to discuss the strengths and weaknesses of the training program. The information gathered from the student officer shall be used to improve the program as necessary.

The student officer will be given 360-degree performance evaluations that they may complete on their assigned PTO's. All information gathered will be confidential and the student officer will be assured no negative consequences will occur based on their feedback.

#### **433.7 DOCUMENTATION**

All documentation of the Police Training Program will be retained in the officer's training files and will consist of the following:

- (a) Coaching and Training Reports



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### *Police Training Officer Program (CALEA 33.4.3)*

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- (b) Problem-based Learning Exercises
- (c) PTO's Professional Journal
- (d) Board of Evaluator Meeting Notes
- (e) Mid-term Evaluation
- (f) Final Evaluation
- (g) \*Student Officer's Professional Journal

***\* The student officer's professional journal will remain with the Police Training Officer Sergeant after the training phase is complete. This is so the officer will have access to any information gained during the course of their training that will assist in their job. If the officer is to resign or be terminated, the professional journal will be retained in their training file.***

## Public Recording of Law Enforcement Activity

### 434.1 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.

### 434.2 POLICY

The Port of Seattle 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.

### 434.3 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.

### 434.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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## Port of Seattle PD Policy Manual

### *Public Recording of Law Enforcement Activity*

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **434.5 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.

#### **434.6 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.

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### *Public Recording of Law Enforcement Activity*

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Radio Scanner Use

### 435.1 PURPOSE AND SCOPE

The Chief of Police may authorize the installation of radio scanning devices within department vehicles. Such scanners are intended for maintaining awareness of the on-going operations of adjoining and overlapping agencies, and to assist in coordinating department response to mutual aid activities.

Only Port of Seattle Police Department scanning devices shall be installed. Under routine circumstances, officers shall not take enforcement action on information gathered from radio scanning devices without prior supervisory approval.

In emergent or crime-in-progress situations, officers shall refrain from taking enforcement action unless:

- Directed otherwise by a supervisor.
- In exigent circumstances.

Under all circumstances, officers shall take reasonable steps to obtain permission from the on-duty supervisor prior to taking action.

Officers shall immediately advise Port of Seattle Police Communications when responding to any scanner-originating activity. Port of Seattle Police Communications shall immediately notify an on-duty supervisor of the intended response and generate an incident number.

An enforcement action taken by an officer will be in accordance with department policy regarding extra-jurisdictional activity.

Officers who take reportable law enforcement action, or when directed by a supervisor, shall document their actions in a case report.

## Rapid Response and Deployment (CALEA 46.1.10)

### 436.1 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.

### 436.2 POLICY (CALEA 46.1.10 A)

The Port of Seattle 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. The policy of this department in dealing with the active threat situation shall be:

- (a) To obtain and maintain complete operative control and achieve containment of the incident.
- (b) To utilize available communication technologies to provide timely public safety notifications (e.g.; throughout the airport terminal via ACC).
- (c) To explore reasonably available sources of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (d) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (e) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (f) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the department in protecting themselves or others from death or serious injury.

### 436.3 FIRST RESPONSE (CALEA 46.1.10 C)

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.

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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.
- (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, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

#### **436.3.1 DECISION TO ADVANCE ON SUSPECT (CALEA 46.1.10 D)**

The decision whether to advance on the suspect(s) is a decision the on-scene first responders must make. The multitude of variables in such a circumstance requires a rapid assessment of the situation, a decision as to best tactics to implement and timely action necessary to resolve the incident. The following are some examples:

- (a) Barricaded suspect – contain and wait for additional assistance - probable SWAT response unless timely resolved.
- (b) Barricaded suspect with hostages and no harm done to the hostages – contain and wait for additional assistance or SWAT response.
- (c) Suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others – officer(s) should take immediate action, if reasonably possible, to neutralize the threat presented by the suspect(s) while calling for additional assistance.

#### **436.4 NOTIFICATION OF ADDITIONAL PUBLIC SAFETY DEPARTMENTS (CALEA 46.1.10 B)**

The active threat situation can quickly deplete on-duty, department internal resources. As result, as part of the planned response, notification should be made as soon as practicable to external entities that may be called upon to assist (e.g. request for Mutual Aid response made through Communications Center).

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#### **436.5 ANNUAL POLICY REVIEW AND TRAINING NEEDS ASSESSMENT (CALEA 46.1.10 E)**

Tactics and equipment used in response to an active threat situation are constantly evolving. Therefore, this policy will undergo a documented annual evaluation to ensure consistency with training and to identify training needs. As part of the Departmental **Training Plan (CALEA 33.5.1)** Section of the POSPD **Training** Policy, policy based, rapid deployment training will be provided annually. This training should address:

- (a) Orientation to likely critical incident target sites.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

#### **436.6 PLANNING**

A division commander should be designated to help 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.



# Reporting Police Activity Outside of Jurisdiction

## **437.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Port of Seattle Police Department.

### **437.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE PORT**

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or an on-duty supervisor. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify an on-duty supervisor as soon as practical.

### **437.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE PORT**

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction or normal patrol area of the Port of Seattle shall notify an on-duty supervisor at the earliest possible opportunity.

Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify an on-duty supervisor as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's immediate supervisor and Division Commander.

# Responding to Persons in Crisis Due to Mental Health and/or Substance Abuse Issues (CALEA 41.2.7)

## 438.1 PURPOSE AND SCOPE

This procedure describes the duties of members of this department who encounter people in our community suffering from mental health issues or the debilitating effects of substance abuse. The objective of the department's policy in dealing with these persons in crisis is members are able to recognize symptoms of mental health issues and substance abuse, safely and effectively deal with these persons and refer them to appropriate resources as applicable.

Interacting with people suffering from mental health issues or the debilitating effects of substance abuse has an inherent risk, and department members should use caution in their approach and demeanor. Officer safety is paramount in these situations and the use of appropriate tactics and available resources should be taken into account.

For the purposes of this chapter, the term referring to persons who are "in crisis" shall mean persons who are suffering from mental health issues or the debilitating effects of substance abuse.

## 438.2 RECOGNITION OF SYMPTOMS (CALEA 41.2.7 A)

Recognition of the symptoms exhibited by people suffering from mental health or substance abuse issues is an important part of resolving our contacts with them. Although some persons will exhibit symptoms of mental health issues, members should keep in mind some types of physical illnesses might also cause a person to exhibit the same types of symptoms. The following symptoms may be exhibited by persons in crisis and should be considered in a member's appraisal of the situation:

- (a) Hallucinations - may be visual, auditory, or other senses, and may not be obvious to the member.
- (b) Distorted perception of reality.
- (c) Neglected basic hygiene.
- (d) Disorganized thinking.
- (e) Sad, anxious, moody, and / or suicidal.
- (f) Aggressive or submissive behavior.
- (g) Dramatic mood swings.
- (h) Easily startled.
- (i) Compulsive behavior.
- (j) Highly suspicious, extreme paranoia.
- (k) Excessive talking or extremely non-verbal.
- (l) Combination of these and other behaviors.

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#### **438.3 RESPONSE PROCEDURES (CALEA 41.2.7 C)**

In the course of their normal duties, department members may be placed into situations where they will need to provide assistance to persons in crisis. These situations may include arrest or interview / interrogation situations. Officers should utilize the following practices when interacting with persons in crisis.

- (a) Remain calm and not overreact.
- (b) Show concern and understanding.
- (c) Exhibit extreme patience. Expect the encounter to take a longer period of time than the average call for service.
- (d) Be helpful and professional.
- (e) Only one officer should speak at a time.
- (f) Listen - What they say may provide insight into the underlying problem or give clues on how to best provide assistance.
- (g) Remove distractions and disruptive people.
- (h) Tell the person what you are going to do before you do it, if tactically appropriate.
- (i) Limit physical contact unless it becomes necessary.
- (j) Stop doing anything that escalates dangerous behavior or symptoms of mental illness, if tactically appropriate.
- (k) Check the immediate area for potential weapons or danger.

#### **438.4 AVAILABLE RESOURCES (CALEA 41.2.7 B)**

The following are resources that may be available to officers when responding to persons in crisis.

##### **438.4.1 FAMILY**

When interacting with persons in crisis, members should consider attempting to contact the subject's family members or other known persons who may be able to provide additional information or assistance in resolving the situation.

##### **438.4.2 PORT OF SEATTLE POLICE DEPARTMENT CRISIS RESPONSE TEAM**

The Department works with a Washington State Department of Health licensed Mental Health Professional (MHP) to aid in addressing the needs of community members that suffer from, live with, or support those with mental illness, substance abuse issues, developmental disabilities, social services deficits, homelessness, or other crisis situations that could benefit from service referrals and/or de-escalation.

The Crisis Response Team, also referred to as CRT, is intended to bring together law enforcement and a mental health professional to improve responses to people in crisis and connect them with timely and appropriate resources.

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#### 438.4.3 REGIONAL RESOURCES

If needed, members should consider contacting one or more of the following resources to help meet the needs of the subject and resolve the situation. The following resources are available via telephone 24 hours a day. In order to facilitate the most accurate exchange of information, members should have firsthand contact with these entities rather than routing information secondhand through the communications center. Members who do not have immediate access to a telephone, should request a member with an issued cell phone respond to the scene. The communications center is able to provide phone numbers for each of these entities.

- (a) **Crisis Connections** - Crisis Connections has an extensive database of mental health care recipients in our region and is sometimes able to provide useful information on subjects that we may encounter.
  - 1. Mobile Rapid Response Crisis Team (MRRCT) - Provides in-person response 24/7 to anyone experiencing a behavioral health crisis anywhere in King County (accessed via Crisis Connections).
  - 2. Children's Crisis Outreach Response Systems (CCORS) - Provides comprehensive crisis services to children and families (accessed via Crisis Connections).
  - 3. Crisis Connections One Call - Provides call center response 24/7 to assist first responders with connecting those experiencing behavioral health crisis with resources (accessed via Crisis Connections).

#### 438.5 VOLUNTARY ADMISSION

Members shall assist subjects who wish to admit themselves voluntarily into a facility for treatment. In such cases, members should consider using the Crisis Connections as a resource to determine if there is any available mental health or previous contact information regarding the subject. Members may request the fire department respond to medically evaluate persons who wish to admit themselves to a facility for treatment. Circumstances that may necessitate a fire response include, but are not limited to: signs of medical distress, indications of intoxication, injury or complaint of injury, etc. Regional protocol states persons requesting voluntary treatment be transported to the closest approved medical facility.

#### 438.5.1 TRANSPORT AND RESTRAINT CONSIDERATIONS

Persons wishing to admit themselves into a facility for treatment should be transported to the closest approved medical facility. These persons may be transported by commercial medical transport or in a patrol vehicle. When deciding on the transport option, the involved officer may use his/her discretion. Factors to be considered when making this decision include: the circumstances surrounding the contact, the subject's demeanor, level of intoxication, medical distress, fire department recommendation, etc.

Subjects who are to be transported in a patrol vehicle shall be searched for weapons prior to the transport. The decision as to whether or not the subject is to be handcuffed will be made at the discretion of the transporting Officer. See the POSPD ***Handcuffing and Restraint*** and ***Transporting Persons in Custody*** Policies.

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If a subject is to be taken to a medical facility via commercial medical transport, the involved officer should search the subject for weapons and assist the medical personnel in preparing the subject for transport. Any restraints used will be at the discretion of the transport personnel. The transport personnel will complete the transport duties, and there will generally be no need for involved officers to respond to the medical facility.

#### **438.6 REPORTING REQUIREMENTS**

Whenever a member assists a person with admitting his or herself to a medical facility for crisis treatment, the member shall document the details of the incident in a case report.

#### **438.7 TRAINING (CALEA 41.2.7 D/E)**

Entry-level police officers receive initial training on mental health and substance abuse related issues in the Basic Law Enforcement Academy. New civilian employees and lateral police officers shall receive training on mental health and substance abuse related issues through the training unit within six months of hire.

Members shall receive refresher training on mental health and substance abuse related issues annually. Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427).

Documentation of the training noted above shall be recorded and maintained in the member's training file.

# Response to Bomb Calls

## 439.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Port of Seattle 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.

## 439.2 POLICY

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

## 439.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat telephonically should obtain as much information from the individual as reasonably possible, including asking:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to document the following:

- Time of receipt of the threat.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the person making the threat.
- Speech patterns and/or accents.
- Background noises.

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 on-duty supervisor is immediately advised and informed of the details. This will enable the on-duty supervisor to ensure the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

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#### **439.4 GOVERNMENT FACILITY OR PROPERTY**

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

##### **439.4.1 PORT OF SEATTLE POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Port of Seattle Police Department facility, the on-duty supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

##### **439.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Port of Seattle 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 Watch Commander deems appropriate.

##### **439.4.3 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.

#### **439.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the Port of Seattle, 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.

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#### 4. Evacuation of personnel and a search for a device.

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

#### 439.5.1 ASSISTANCE

The on-duty supervisor should be notified when police assistance is requested. The on-duty supervisor 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 on-duty supervisor determine the department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 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.

#### 439.6 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 Port of Seattle Police Bomb Disposal Unit.
- (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



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2. Cell phones
  3. Other personal communication devices
  4. Body Worn Cameras (BWCs)
- (d) The Port of Seattle Police Bomb Disposal Unit (BDU) should immediately be summoned for assistance.
  - (e) The largest perimeter reasonably possible should initially be established around the device (at minimum a perimeter of 300') 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 on-duty supervisor including:
    1. The time of discovery.
    2. The exact location of the device.
    3. A full description of the device (e.g., size, shape, markings, construction).
    4. The anticipated danger zone and perimeter.
    5. The areas to be evacuated or cleared.

#### **439.7 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.

##### **439.7.1 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.

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- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

#### 439.7.2 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- Fire Department
- BDU
- Command Team
- Detectives
- BATFE
- FBI

#### 439.7.3 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

#### 439.7.4 SCENE PRESERVATION

Steps should immediately be taken to preserve the scene. The outer perimeter should be set up a minimum of 150 feet beyond the furthest discovered piece of debris/shrapnel. Evidence may be imbedded in nearby structures or hanging in trees and bushes or in victims, etc. Records of victims departing should be kept when possible.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of the Port of Seattle Police Department BDU.

## Response to SEA (TSA) Firearm Related Calls

### 440.1 RESPONSE/CLEARING PROTOCOL FOR BAGGAGE MAKE-UP

- (a) Officers responding to routine firearms related calls in the baggage makeup area should not feel compelled to clear and render safe a firearm, whose operation the officer is not familiar. If an officer is unsure how to render the firearm safe, they shall not attempt to do so, leaving the firearm as it was located and request a supervisor to respond. The supervisor will assess the situation and may request a more experienced officer to the location. The supervisor or experienced officer shall safely clear the firearm and provide the primary officer any needed reports.
- (b) All firearms will be cleared utilizing the closest, clearing barrel-bullet trap. The movement/handling of firearms which have not been cleared should be kept to a minimum. The following will be considered by officers clearing firearms in the baggage make-up area:
  - 1. Bystanders cleared from immediate area surrounding the bullet trap.
  - 2. The use of hearing and eye protection is recommended when clearing the firearm.
  - 3. Officers must ensure the muzzle of the firearm is centered and inserted fully into the bullet trap.
  - 4. At no time shall a firearm be given to an outside agency or passenger/owner to clear
- (c) Officers responding to firearms in the baggage makeup area shall complete a report to include:
  - (a) Statements and contact information of any witnesses to include TSA personnel.
  - (b) Supplemental reports from all responding officers/supervisors.
  - (c) Firearm owner/passenger contact and flight information.
  - (d) Complete firearm information: manufacturer, model number, serial number, etc.
  - (e) Verification of the firearm's clear status/registered owner information
  - (f) Photographs/digital images of the firearm, ammunition, bullet trap, and luggage/cases/holsters, etc., which contained the firearm.
- (d) Supervisors will promptly notify the FBI of all firearms discovered in the baggage makeup area under suspicious circumstances (e.g.; stolen or illegal, international flight passenger, etc.), providing all requested information to determine FBI response.
- (e) In the case of a firearm discharging (to include into the bullet trap), an incident report will be completed by the supervisor and command notified as soon as practicable (e.g.; CDO).

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#### **440.2 FIREARMS AT SECURITY CHECKPOINT RESPONSE/RESOLUTION**

- (a) All Port of Seattle Police personnel shall comply with the following guidelines in response to firearms discovered at Security Checkpoints:
  - (a) Supervisors should respond to all calls concerning a firearm at a Security Checkpoint to assist first responding officers.
  - (b) As part of the investigation witnesses (e.g. TSA Officers locating the suspected firearm) should be identified and their statements obtained.
  - (c) Images should be taken of the suspected firearm as viewed/discovered at the scene.
  - (d) Unless doing so poses undue risk, the firearm should normally not be handled at the Checkpoint and should remain where originally located (e.g. stowed inside a carry-on bag) for secure transport to the Temporary Holding Facility.
- (b) Consistent with our legal authority (see the ***Peace Officer Powers (CALEA 1.2.1/1.2.5) Section of the Law Enforcement Authority Policy***), *when probable cause exists the subject possessing the firearm shall be placed under arrest and safely escorted to the Temporary Holding Facility for processing to include but not limited to:*
  - (a) *Advisement of Constitutional Rights per Miranda.*
  - (b) *Obtaining a voluntary statement.*
  - (c) *Fingerprinting, photographing, and criminal history records check through Interstate Identification Index (III).*
- (c) *All firearms discovered at Security Checkpoints associated with an arrest will be seized and placed into evidence in accordance with Department policy and procedure:*
  - 1. *Once rendered safe, seized firearms shall have their serial number checked through the Communications Center.*
  - 2. *Images of the carry-on luggage or bags containing the firearm shall be taken noting the firearm's location within the luggage or bag.*
  - 3. *All other items of evidentiary value will also be seized. Examples of such items include:*
    - Ammunition (both live and expended cartridges).*
    - Magazines/Speed loaders and other ammunition holding devices.*
    - Holsters/Cases.*
    - Carry-on luggage or bags that contained the firearm.*
- (d) *Items contained within seized luggage or bags, having no evidentiary value (e.g. toiletries, medications, clothing, etc...) may be released to the violator.*
- (e) *If the officer is uncertain probable cause exists based on the interview of the passenger on-scene, the officer can advise the passenger they are not under arrest. The passenger will be advised the bag will be taken to the police department to complete the investigation in a safe location. The passenger should be advised they may accompany the officer(s) to the department lobby to wait for their property.*

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### Response to SEA (TSA) Firearm Related Calls

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1. *The officer will attempt to obtain a voluntary statement from the passenger.*
  2. *The officer will search the luggage or bag to verify the item is a firearm and document its location within the luggage or bag.*

*Images of the carry-on luggage or bag containing the firearm will be taken to document the firearm's location within the luggage or bag.*
  3. *Once the officer has rendered the firearm safe, the officer will:*

*Document necessary incident information for TSA, and*

*Conduct a record check of the firearm serial number via the Communications Center.*
  4. *If the officer verifies the item is an actual firearm yet obtains no additional information to develop probable cause through the course of their investigation, then the officer will do the following:*

*The officer may place the unloaded firearm back in the luggage or bag and return the luggage or bag to the passenger, and*

*The officer will advise the passenger undeclared firearms are not allowed through TSA Security Checkpoints into secured areas of commercial airports (pursuant to RCW 9.41.300 Weapons prohibited in certain places).*
- (f) *Incident information released to TSA shall be limited to that of a non-NCIC nature which is readily available:*
1. *Arrestee/Subject Name and Date of Birth.*
  2. *Weapon type, caliber, and condition (e.g. loaded chamber, unloaded, etc.).*
  3. *Location discovered within carry-on bag, in holster, case, and so forth.*
  4. *Disposition (e.g. passenger cited and released, weapon seized, etc.).*
- (g) *Supervisors will promptly notify the FBI of all firearms in the Security Checkpoint Area, providing all requested information to determine FBI response.*

# Response to Unmanned Aerial Systems (UAS) Calls

## 441.1 PURPOSE AND SCOPE

The purpose of this policy is to establish Port of Seattle Police Department (POSPD) response to unmanned aerial systems (UAS) calls for service at SEA in partnership with the Federal Aviation Administration (FAA) and Federal Air Marshal Service (FAMS).

### 441.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - Commonly referred to as a drone, 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.

## 441.2 POLICY

Upon FAMS notification to the POSPD Communications Center and FAMS request for law enforcement response to a UAS incursion incident within the footprint and/or flightpath at SEA, POSPD Officers will respond to UAS operator signals located on Port of Seattle Property.

## 441.3 RESPONSE TO UAS CALLS

There are two primary law enforcement responses to UAS Calls:

1. Tactical Response
2. Investigative Response

### 441.3.1 TACTICAL RESPONSE ("DOWNED"/"CRASHED" OR LANDED UAS)

UAS terrorism is a viable global threat in the 21st century. UAS are relatively inexpensive and can be easily weaponized. Consumer-level "heavy-lift drones" can carry over 40 lbs in payload (and in some cases much more).

- Treat a "downed" or landed UAS like any other incident where there are significant "unknowns". Clear the immediate area of people and find a safe vantage point which may include "cover". Current practice has first responders treating downed UAS at public events in a similar fashion to "suspicious packages", or even pipe bombs. Evacuating civilians and establishing a perimeter/standoff distance.
- Visually and from a safe distance, try to determine if there is a payload on board the "downed" or landed UAS.
- Advise/update dispatch of the presence of an unknown payload on the "downed" or landed UAS and request BDU for further assessment and mitigation.

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### *Response to Unmanned Aerial Systems (UAS) Calls*

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- If possible, try to determine who the operator is. If an operator is nearby, that may give an indication that the drone was downed due to an accident rather than deliberately. Remember, operators are supposed to keep drones within visual range.
- If, in the event you find yourself close enough to touch the "downed" or landed drone, understand that the rotor blades can be made of a composite and spin fast enough to cause significant injury.
- Take appropriate law enforcement action when safe to do so.

#### **441.3.2 INVESTIGATIVE RESPONSE**

All Port Police responses will require a case report and the completion of the attached form available on POSPD Online. Per the Federal Aviation Administration (FAA) aircraft rule (Part 107), the following restrictions apply to all UAS flight operations:

- Limited to not more than 55 pounds unless otherwise certified
- Can be flown at night however navigation lights are required
- Cannot be flown over other people (under most circumstances, there are exceptions)
- Cannot fly over 400 feet above the ground
- Must be flown within line of sight of the operator
- Cannot carry hazardous materials
- Cannot fly close to critical infrastructure (airports, military installations, etc. that have restricted airspace such as SEA)
- Must avoid areas with temporary flight restrictions (special events, hazardous locations, Presidential movements, etc.)

#### **441.4 REPORTS AND NOTIFICATIONS**

All POSPD responses to UAS Calls will require a case report and the completion of the POSPD UAS Incident Report Supplemental Form which is available in the POSPD Online Folder on SharePoint.

Email notifications will be made to the same distribution list for laser strike incidents (TSA OPS, Port of Seattle OPS, FBI, POS Security, Local Law Enforcement Agency if involving an outside agency, and Command Page).

Any UAS incursions causing an impact to actual flight operations will require a real time notification to the FBI Airport Liaison Agent.

## Ride-Along Policy

### 442.1 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.

#### 442.1.1 ELIGIBILITY

The Port of Seattle Police Department Ride-Along Program is offered to residents, students and those employed within the Port. Every attempt will be made to accommodate interested persons; however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the department.
- Denial by any supervisor.

#### 442.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are generally from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or on-duty supervisor.

### 442.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the on-duty supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The on-duty supervisor will schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the department will contact the applicant and advise him/her of the denial.

#### 442.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: RSVP, chaplains, police applicants, and all others with approval of the on-duty supervisor.



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### *Ride-Along Policy*

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

#### **442.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed. Sandals, tank tops, shorts and ripped or torn blue jeans are not permitted. The on-duty supervisor may refuse a ride along to anyone not properly dressed.

#### **442.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members 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 Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **442.3 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 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 on-duty supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the on-duty supervisor with any comments which may be offered by the officer.

#### **442.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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### *Ride-Along Policy*

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- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

# Roll Call

## 443.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in conducting the activity of roll call, and includes the tasks that should be accomplished during this activity at shift change.

## 443.2 POLICY

Roll Call 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.

## 443.3 PREPARATION OF MATERIALS

The supervisor conducting Roll Call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

## 443.4 BRIEFING

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

Roll Call 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.
  - 7. Traffic revisions and/or travel advisories.
- (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.

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### *Roll Call*

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#### **443.5 TRAINING**

Roll Call training should incorporate short segments on a variety of subjects or topics, when appropriate, and may include:

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

#### **443.6 RETENTION OF ROLL CALL TRAINING RECORDS**

Roll Call training materials and a curriculum or summary shall be forwarded to the Professional Development Sergeant for inclusion in training records, as appropriate.

# Suspicious Activity Reporting

## 444.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 444.1.1 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)** - Acase report used to document suspicious activity.

## 444.2 POLICY

The Port of Seattle 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.

## 444.3 RESPONSIBILITIES

The Homeland Security Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the ***Criminal Organizations*** Policy.

The responsibilities of the Homeland Security Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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### *Suspicious Activity Reporting*

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **444.4 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.

#### **444.5 HANDLING INFORMATION**

Records will forward copies of SARs, in a timely manner, to the following:

- Homeland Security Division Commander
- Criminal Investigations Division Commander
- Crime Analyst
- Other authorized designees

## Unattended or Suspicious Luggage and/or Items

### 445.1 PURPOSE AND SCOPE

Unattended or suspicious luggage is an issue regularly faced by police and security personnel working at an international airport. The airport's sensitive security environment requires all potential threats to safety and security be treated seriously.

The information contained in this policy is designed to assist police personnel with unattended bags, luggage, or other items.

### 445.2 RECEIVING CALLS REGARDING UNATTENDED ITEMS

The person receiving the call (Communications Center, Reception, etc.) can assist by obtaining the following information from the complainant:

- (a) The complainants name, call back number, and location.
- (b) Ask if the item has tags and what kind (airline, name, etc.)
- (c) Ask what has been done with the item (moved, paged owner, etc.)
- (d) Ask specific location and item description.
- (e) Ask how long item has been in the area.
- (f) Ask if any persons are associated with item.
- (g) Ask if anything is particularly suspicious about the item.

### 445.3 OFFICER RESPONDING TO THE SCENE

Officers responding to the unattended item should use their own resources and common sense to determine if the situation warrants Bomb Disposal Unit (BDU) response.

The first officer on the scene should confirm dispatched information and attempt to gain information in addition to what is already known by:

- (a) Viewing the item.
- (b) Checking for and reading tags.
- (c) Inspecting item more closely to determine if the item is open, sealed, or equipped with locks.
- (d) Attempting to locate owner.
- (e) Checking persons in the area.
- (f) Speaking with complainant.
- (g) Checking for witnesses.
- (h) Checking with airlines or tenant for possible connections to name tag.
- (i) Conducting a central airport page.

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### *Unattended or Suspicious Luggage and/or Items*

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Not all unattended bags or items should be considered suspicious. Patrol officers can deem an item suspicious, but should first take into account the item and its appearance, circumstance of complaint, surroundings, item accountability, witness statements and location.

Upon initial arrival on the scene, an officer should not move or touch the item. A visual examination of item should be made. The presence of detonators, explosives, wires, batteries or other unusual looking items, components, or combinations of these items should raise an obvious concern and hence a request for BDU. While BDU has been dispatched or requested, there is still a responsibility to protect the public and the officer's own safety. It should be the on-duty supervisor's responsibility to request a technician and to evaluate the need for a perimeter and to establish the perimeter if necessary.

#### **445.4 IF ITEM IS DEEMED SUSPICIOUS BY RESPONDING OFFICER**

There will be cases of unattended items where patrol officers find circumstances are suspicious enough for BDU to be summoned. BDU is summoned through the on-duty supervisor when an officer suspects or has reports of an explosive device. If the initial responding officer cannot determine the contents, origin, and/or locate the owner of an unattended item, and that officer suspects the item may contain an explosive device, appropriate action should be taken to protect the public and the officer. When responding to calls of unattended items deemed suspicious, officers should take simple precautionary steps until the situation is proven safe.

- (a) Do not use communication devices within a minimum 100' indoors or 300' outdoors. Preferably, turn off radios, pagers, cellular phones, and Body Worn Cameras (BWC's) prior to coming within the evacuation area around the suspicious device. If a dynamic situation involving a suspicious device brings personnel with a radio, pager, cellular phone, and/or BWC on their person within proximity of a suspicious device, then leave the radio, pager, cellular phone, and/or BWC in the state it is in (left on, if on; left off, if off). However, personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspicious device.
- (b) Do not move the suspicious item.
- (c) Do not open closed or sealed items.
- (d) Prior to evacuation, guard the item from removal or disturbance by the public.

If a patrol officer cannot resolve an unattended item situation, the on-duty supervisor shall be summoned. Upon arrival the supervisor should determine the next steps to be taken. An option the department has made available is the Explosive Detection (ED) K-9 teams. BDU, if called to the scene, shall keep in mind K-9 cannot clear an unattended item. However, a K-9 check can help to provide additional information about the item. If it is suspicious, BDU shall be notified.

##### **445.4.1 EXPLOSIVE DETECTION K-9**

Explosive Detection Canine Teams are appropriate for searching buildings, vehicles, baggage, packages, aircraft, etc. during threats, protection details, or other routine or general sweeps, but are not to be used to assess, examine or clear items already identified as a suspected explosive



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### *Unattended or Suspicious Luggage and/or Items*

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item. Searching refers to conducting a systematic examination of an area, vehicle or other non-suspect items with Explosives Detection Canine Teams. (Source: FBI BDC Revised Special Technicians Bulletin 87-4)

#### 445.4.2 BOMB DISPOSAL UNIT (BDU)

When BDU is summoned to investigate or deal with a suspicious bag or item the following standards should be considered:

- An area should be evacuated a minimum of 100' for indoors and 300' for outdoors;
- Considerations should be given to the size of the item, available cover, etc. and adjust evacuation areas accordingly;
- Arriving technicians shall review the situation and provide guidance for a safety perimeter;
- In all cases the on-duty supervisor shall be notified and assistance provided for evacuation to establish and maintain a perimeter. The on-duty supervisor shall be responsible for all aspects of the perimeter. Recommended guidelines for a perimeter are as follows:
  - Indoor: a minimum of 100-foot line-of-sight perimeter/evacuation (100' radius from suspicious item).
  - Indoor line-of-sight: 100' may be reduced to 50' if a concrete wall or other physical barrier exists.
  - Outdoor: a minimum of 300-foot line-of-sight perimeter/evacuation (300' radius from suspicious item).
  - Outdoor line-of-sight: 300' may be reduced to 150' if a concrete wall or other physical barrier exists.
  - 300 feet is a standard distance to work from in outdoor situations. Mitigating circumstances, such as size of the suspicious item can alter the distance. Once the area is evacuated, no persons should be allowed inside the evacuation area, including officers, except technicians and those authorized by the BDU.

Generally, two (2) bomb technicians should be used for Render Safe Procedures (RSP). This includes, but is not limited to x-ray, robot, disrupter, and wearing the bomb suit. One bomb technician can respond to an unattended or suspicious item when directed by a supervisor and/or the communication center and evaluate the situation.

## **Chapter 5 - Traffic Operations**

## Disabled Vehicles (CALEA 61.4.1)

### 500.1 PURPOSE AND SCOPE

Due to the danger to the motoring public caused by a stranded or disabled motorist, our department will offer reasonable assistance to a motorist who appears to be in need of help.

### 500.2 POLICY

It is the policy of the Port of Seattle 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.

### 500.3 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the communications specialist should be advised of the location of the disabled vehicle and the need for assistance. The communications specialist should then assign another available officer to respond for assistance as soon as practical.

### 500.4 EXTENT OF ASSISTANCE (CALEA 61.4.1)

If appropriate, officers should facilitate the calling of repair service providers in lieu of attempting any repairs themselves.

Officers shall request towing services for stranded motorists when requested. Should motorists have a preferred tow provider, the preferred provider should be called. If the motorist has no preference, or the preferred provider is not a reasonable option, the next available non-preference tow provider should be requested. This process shall also apply to disabled vehicles creating a traffic hazard that cannot be moved by other reasonable means.

#### 500.4.1 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.

#### 500.4.2 RELOCATION OF MOTORIST (CALEA 61.4.1)

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport them to a safe area to await pickup. If the officer has to leave a stranded person after arranging for assistance, the officer should make reasonable efforts to check back and ensure that the motorist requires no further assistance.

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### *Disabled Vehicles (CALEA 61.4.1)*

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#### **500.4.3 WAIVER AGREEMENT**

A signed *Waiver Agreement for Customer Assistance Form* should be obtained prior to an officer providing any non-emergency, direct assistance to a motorist (e.g., using lock-out tools, moving vehicle with push bars, etc.).

When using the Waiver Form Officers need to document the following:

- (a) The vehicle is properly registered. - Absent an emergency situation, if tabs are expired officers should not render assistance.
- (b) Document if the motorist requesting assistance is in fact the registered owner. - If the motorist is not the registered owner then the person needs to sign the form affirming they have permission to both, be driving the vehicle, and to have the assistance performed.

#### **500.5 EMERGENCY ASSISTANCE (CALEA 61.4.1)**

The first officer responding to a medical emergency scene will notify the communications center of needed aid or medic units. If feasible, the officer shall provide necessary first aid until aid or medic units arrive. Patrol cars are equipped with a fire extinguisher to be used by officers to put out small fires.

## DUI Procedures (CALEA 61.1.10)

### 501.1 PURPOSE AND SCOPE

The detection and arrest of intoxicated drivers is important to public safety but differs from our responsibilities towards other traffic law violators. There are specific statutes that govern driving while under the influence of drugs and / or alcohol, implied consent for chemical tests and the chemical tests of blood / alcohol content themselves. These statutes outline the officer's scope of authority and establish procedures for detection, arrest and processing of an intoxicated driver. The purpose of this chapter is to provide officers guidance in the proper detection, investigation, arrest and processing of suspected DUI drivers.

### 501.2 DETECTION AND INVESTIGATION

Detection is the first step in any DUI enforcement action. DUI detection and enforcement procedures may include the following steps:

- Recognize and identify specific driving behaviors that signify the driver may be impaired by alcohol and / or drugs.
- Recognize and identify specific behaviors occurring during vehicles stops that provide evidence or suspicion that the driver may be intoxicated.
- Note all observations that may lead the officer to believe the driver may be intoxicated.
- Use caution while following and stopping intoxicated drivers and be alert for unpredictable reactions.
- Officers should avoid prolonged trailing of intoxicated drivers and conduct the traffic stop in a safe location as soon as possible.
- Do not allow the driver to move the vehicle once it is believed the driver is intoxicated.
- Interview the driver and, if appropriate, the passengers.
- Recognize, identify and note specific actions, attitudes and characteristics commonly manifested by intoxicated drivers during face-to-face contact.
- Request the subject exit the vehicle and move to a safe location to conduct voluntary Standardized Field Sobriety Tests.
- Administer Standardized Field Sobriety Tests to assess impairment.
- Formulate appropriate arrest decisions based on evidence accumulated.

### 501.3 ARREST AND PROCESSING

If all elements of the DUI violation are evident, as established in the RCW 46.61.502 - 504, officers should make a physical arrest of the subject and adhere to the following procedures as applicable:

- Handcuff and search the subject. In the absence of a reasonable alternative to impound, inventory and impound the vehicle.

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### *DUI Procedures (CALEA 61.1.10)*

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- Transport the subject to the appropriate facility for processing and evidentiary testing.
- Advise the subject of his / her rights and responsibilities per Miranda and Implied Consent Warnings.
- Conduct chemical (breath) testing in accordance with State of Washington requirements. A copy of the officer's current BAC certification card shall be included with the case report.
- If the subject refuses to submit to the breath test, make sure that the refusal is documented.
- If circumstances warrant that a blood sample be obtained for testing, see Policy 514 - Impaired Driving.
- Department forms must be completed as required, thoroughly documenting all evidence gathered during the investigation. These forms include:
  - (a) D.U.I. crime report.
  - (b) Criminal citation.
  - (c) BAC test document.
  - (d) Implied consent form.
  - (e) Collision report (If applicable).
- For first-time, misdemeanor DUI arrests, officers should attempt to release the arrestee to a family member or other responsible person in lieu of booking the subject into a correctional facility.

# Impaired Driving

## 502.1 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).

## 502.2 POLICY

The Port of Seattle 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.

## 502.3 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.

A Patrol Division Commander or designee will develop and/or maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The 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).

## 502.4 FIELD TESTS

A Patrol Division Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

## 502.5 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):

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### *Impaired Driving*

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- (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.

#### 502.5.1 BREATH SAMPLES

A Patrol Division Commander or designee 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 a Patrol Division Commander.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

#### 502.5.2 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).



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#### 502.5.3 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).

#### 502.6 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.

#### 502.6.1 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.

#### 502.6.2 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.

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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.

#### **502.7 ARREST AND INVESTIGATION**

##### **502.7.1 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).

##### **502.7.2 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)).

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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).

#### **502.7.3 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).

#### **502.8 RECORDS RESPONSIBILITIES**

The Police Specialist assigned to records will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **502.9 ADMINISTRATIVE HEARINGS**

The Police Specialist assigned to records will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

Any officer who receives 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.

#### **502.10 TRAINING**

The Professional Development Sergeant 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 Professional Development Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

## **Infraction and Criminal Citations (CALEA 82.3.4)**

### **503.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations and Notice of Infractions (NOIs), the procedure for dismissal, correction, and voiding of traffic citations and NOIs.

### **503.2 RESPONSIBILITIES**

Records shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

### **503.3 DISMISSAL OF TRAFFIC CITATIONS**

Employees of this department do not have the authority to dismiss a citation or NOI once it has been issued. Only the court has the authority to dismiss a citation or NOI that has been issued. Any request from a recipient to dismiss a citation or NOI shall be referred to the Patrol Commander. Upon a review of the circumstances involving the issuance of the traffic citation or NOI, the Patrol Commander may request the Deputy Chief of the Operations Bureau to recommend dismissal of the traffic citation or NOI. If approved, the citation or NOI will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations or NOIs whose request for the dismissal of a traffic citation or NOI has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation or NOI should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation or NOI. Upon dismissal of the traffic citation or NOI 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.

### **503.4 VOIDING TRAFFIC CITATIONS**

Voiding a citation or NOI may occur when a citation or NOI has not been completed or where it is completed, but not issued. All copies of the citation or NOI shall be presented to the commander via chain of command to approve the voiding of the citation or NOI. The citation or NOI and copies shall then be forwarded to Records.

### **503.5 CORRECTION OF TRAFFIC CITATIONS**

When a citation or NOI is issued and in need of correction, the officer issuing the citation or NOI shall submit the citation or NOI and a letter requesting a specific correction to his / her immediate supervisor. The citation or NOI and letter shall then be forwarded to Records. Records shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation or NOI.

### **503.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all citations and NOI's issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation and NOI copies shall then be filed with Records.

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Upon separation from employment with this department, all employees issued citation and NOI books shall return any unused citations or NOI's to Records.

#### **503.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

#### **503.8 CRIMINAL AND INFRACTION CITATION RECORDS MAINTENANCE**

##### **503.8.1 ISSUANCE OF CITATION AND INFRACTION BOOKS**

Citation and infraction books, prior to issue, are the responsibility of the Records Section and are securely stored in the records room.

Upon issuance of a criminal citation or infraction book to an officer by a police records specialist, the specialist shall record the officer's name, date of issue and the first citation or infraction number of the book.

Sergeants have afterhours access to the records room and may issue citation and infraction books as needed. When this occurs, the sergeant shall submit the cover page of the newly issued citation or infraction book to the Records Section. The sergeant shall ensure that the receiving officer's name and date of issue are recorded on the submitted cover page. Once received, the police records specialist shall record the applicable information in the citation-tracking logbook.

##### **503.8.2 ACCOUNTABILITY FOR CITATIONS AND INFRACTIONS**

After receiving an issued citation or infraction book, the member who received the book shall be accountable for each citation or infraction contained within each book.

Completed citations and infractions shall be submitted to the Records Section for processing into the appropriate court. Accountability for completed and submitted citations and infractions is the responsibility of the Records Section.

Administrative Services Division personnel shall complete an audit of all issued criminal citations and infraction books at the end of each month.

##### **503.8.3 MISSING CITATION PROCEDURE**

In cases of lost or stolen citations or infractions, the officer to whom the citation or infraction was issued shall forward a memo explaining the circumstances to the appropriate division commander. The commander shall forward the memo to the Records Section. Once received, a police records specialist shall make the appropriate entry into the citation-tracking logbook.

# Traffic Collision Reporting

## 504.1 PURPOSE AND SCOPE

This policy describes the circumstances in which members should prepare traffic collision reports.

## 504.2 TRAFFIC COLLISION REPORTS

Traffic collision reports taken by members of this department shall be entered into a SECTOR Collision Report, a State of Washington Motor Vehicle Collision Report, and/or a case report depending upon the circumstances surrounding the collision and whether the collision occurred on a public roadway or on private property. A Patrol Commander or designee will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Deputy Chief of Operations, or other persons as required.

## 504.3 REPORTING SITUATIONS

### 504.3.1 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Generally, a case report is completed for motor vehicle collisions, including industrial accidents, on private property. Neither a SECTOR Collision Report, nor a State of Washington Motor Vehicle Collision Report should be completed for motor vehicle collisions occurring on private property unless:

- (a) There is a death or injury to any person involved.
- (b) A RCW violation, including hit-and-run, has occurred.

In such instances, a SECTOR Collision Report, State of Washington Motor Vehicle Collision Report, or a case report may be completed at the discretion of any supervisor.

### 504.3.2 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

A SECTOR Collision Report or State of Washington Motor Vehicle Collision Report shall be taken when a collision occurs on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When a collision results in a death or substantial bodily harm, as defined in RCW 9A.04.110, to any person involved in the collision (RCW 46.52.070).
- (b) When there is a qualifying criminal traffic violation of the RCW to include DUI, hit and run and negligent driving.
- (c) When there is damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by the Washington Administrative Code.

### 504.3.3 TRAFFIC COLLISIONS INVOLVING PORT VEHICLES

Officers will respond to traffic collisions involving Port owned vehicles on Port properties (non-roadway) wherein any damage or injury occurs and complete, at a minimum, an incident report. A State of Washington Police Traffic Collision Report may also be completed at the direction of a supervisor. Collisions occurring on private property and/or not involving another vehicle do not

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require a State of Washington Police Traffic Collision Report. Whenever there is damage to a police vehicle as the result of a collision, a Port of Seattle incident report shall be completed and forwarded to the appropriate Deputy Chief and Risk Management.

Photographs of the collision scene and vehicle damage shall be taken at the direction of the traffic investigator or any supervisor.

#### 504.3.4 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Port of Seattle Police Department resulting in any injury or fatality, the Command Duty Officer or the on-duty supervisor may request an outside agency conduct the investigation.

#### 504.3.5 TRAFFIC COLLISIONS WITH OTHER PORT EMPLOYEES OR OFFICIALS

The Command Duty Officer or on-duty supervisor may request an outside agency conduct the investigation of any traffic collision within the jurisdiction of the Port of Seattle Police Department involving any Port official or employee where any injury or fatality has occurred.

# Traffic Function and Responsibility

## 505.1 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.

## 505.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Port of Seattle Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system via SECTOR is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 505.3 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:

### 505.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or a notice of infraction (civil) and a citation (criminal) when circumstances warrant, especially in the case of inadvertent violations.



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#### 505.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

#### 505.3.3 ARRESTS FOR TRAFFIC OFFENSES

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer's presence
- (b) When the offense is one or more of the traffic violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases, officers should, when practicable, obtain the approval of a supervisor before making an arrest.

#### 505.3.4 REQUEST FOR DRIVER RE-EXAMINATION

Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetence through disease or other condition which might prevent the person from exercising reasonable and ordinary operation of a motor vehicle. Officers detecting such a person will complete the Washington State Department of Licensing Request for Re-Examination Form to request a re-examination of the driver.

- When completing a request for re-examination, the requestor shall ensure the following: The request is made in the interest of public safety only, without consideration to the age of the driver.
- The request includes specific applicable information about the medical conditions, visual conditions and observed driving abilities of the driver.

The completed form will be forwarded to records for filing and submission to the Department of Licensing.

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#### 505.3.5 SPECIAL TRAFFIC ENFORCEMENT SITUATIONS (CALEA 61.1.3)

The following is a list of methods to be used for handling particular situations which, by legislative mandate, may require a law enforcement response of a different nature than would be required under normal circumstances.

- **Non-resident Traffic Violator** - Traffic law violation committed by those who reside outside of our service area will be handled in the same manner as local residents as described in Policy 500.3 - Enforcement. However, if a traffic law is unique to our area, the officer may choose to educate the non-resident rather than taking enforcement action.
- **Juveniles** - Generally, juveniles who have committed a traffic law violation will not be taken into custody. Juveniles sixteen years of age or older committing traffic infractions should be issued a notice of infraction. In cases where a juvenile has committed a traffic related misdemeanor or felony, the details of the incident shall be documented in a case report and the case should be referred to the Criminal Investigations Division for further action.
- **United States Legislators** - Traffic enforcement actions involving United States Legislators shall be governed by the United States Constitution, Article I - Section 6 which states that "Members of the United States Congress shall in all cases, except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either House". Traffic law violations falling outside of these allowances should be handled in the same manner as any other traffic violation.
- **Washington State Legislators** - Traffic enforcement actions involving Washington State Legislators shall be governed by the Washington State Constitution, Article II - Section 16 which states that "Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.". Traffic law violations falling outside of these allowances should be handled in the same manner as any other traffic violation.
- **Foreign Diplomats and Consular Officials** - Traffic law violators shall not be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer and the officer has verified or reasonably suspects that the claim of immunity is valid. A notice of infraction may be issued at the scene for any violations warranting such action, regardless of the violator's immunity status. The issuance of a notice of infraction is not considered an arrest or detention under current Department of State guidelines. To view the additional procedures that shall be followed whenever the equivalent of a notice to appear is issued to an immunity claimant, see Policy 421 - Arrest or Detention of Foreign Nationals.
- **Armed Forces Personnel** - Traffic law violations involving active duty armed forces personnel should be treated in the same manner as any other traffic violation with the following exception:

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- When a physical arrest is made, an on-duty supervisor will notify the liaison officer at the nearest appropriate military authority. This does not apply to the issuance of a notice of infraction.

#### 505.3.6 TRAFFIC ENFORCEMENT UNIFORMITY (CALEA 61.1.5)

The goal of traffic enforcement is to achieve voluntary compliance with traffic laws. To achieve this, uniform enforcement of traffic violations is essential and helps provide a safe environment for motorists, bicyclists and pedestrians. Good judgment by police officers helps ensure appropriate action and gains the public confidence in traffic enforcement. The following guidelines help officers decide what level of enforcement action is appropriate:

- **Driving Under the Influence** - It is the policy of this department to actively enforce state law prohibiting driving under the influence of alcohol and / or drugs. Officers will generally arrest any driver found to be in violation. Arrests will be determined by the observed actions of the violator's operation on the roadway or involvement in a collision, officer's observations, field sobriety tests and blood alcohol testing.
- **Criminal Driver's License Violations** - Laws regarding driver's license violations, including driving while license suspended / revoked, are strictly enforced. Officers may make physical arrests of some offenders, based on the situation.
- **Speed Violations** - Officers should exercise discretion when deciding if a warning or notice of infraction is appropriate when investigating speeding violations. Consideration should be given to the weather conditions, traffic volume, pedestrian traffic and location.
- **Other Hazardous Violations** - Hazardous violations that are not misdemeanors or gross misdemeanors may be enforced by verbal warnings or issuance of a notice of infraction. Misdemeanor hazardous moving violations may result in physical arrest or the forwarding of a criminal citation to the prosecutor's office.
- **Off-road Vehicle (ORV) Violations** - Off-road vehicle violations shall be enforced by verbal warning, notice of infraction or criminal citation. Persons driving unlicensed ORVs on the roadway shall be directed to remove the vehicle from the roadway. Officers investigating incidents involving ORV's operating on private property should attempt to determine whether subjects have permission to be on the property.
- **Equipment Violations** - Officers should exercise discretion when deciding if a warning or notice of infraction is appropriate when investigating equipment violations.
- **Public Carrier / Commercial Vehicle Violations** - Public carrier and commercial vehicles must comply with additional safety laws contained in Title 46 of the RCW. Public carrier and commercial vehicle violations shall be enforced by verbal warning, notice of infraction or criminal citation.
- **Non-hazardous Violations** - Minor traffic violations may be resolved by a verbal warning or notice of infraction.
- **Multiple Violations** - In no case will criminal traffic charges and infractions be charged on the same criminal citation or notice of infraction form. In addition, no more than two

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violations will be charged on any one criminal citation form, and no more than three infractions will be charged on any one notice of infraction form.

- **Newly Enacted Traffic Laws** - Warnings are generally given for the first thirty days after the effective date of a new traffic law. Enforcement action may be taken if the violation creates a danger to the public.
- **Violations Resulting in Collisions** - Enforcement action should be taken when violations result in traffic collisions. If the investigating officer determines that an infraction violation by one of the drivers was the proximate cause of a collision, the officer will generally issue a notice of infraction to the offending driver. The infraction may be issued at the scene or by mail if needed. If it is determined that a misdemeanor violation by one of the drivers was the proximate cause of a collision, officers will generally complete a criminal citation to be forwarded to the court. If fault cannot be determined, officers are not required to take enforcement action and will state why fault could not be determined in the narrative portion of the collision report.
- **Pedestrians and Bicycles** - Officers shall exercise appropriate discretion in taking enforcement action in situations where pedestrian or bicycle traffic law violations occur.

#### **505.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

##### **505.4.1 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).

#### **505.5 TRAFFIC STOPS AND VIOLATOR CONTACT (CALEA 61.1.7)**

Traffic stops are an integral function of law enforcement and are often perceived as routine in nature. Traffic stops can, however, escalate with little or no warning. Because of this, the following steps are to be followed to more accurately reflect the truly unknown nature of the risk involved in what may be considered a "routine" traffic stop.

##### **505.5.1 UNKNOWN RISK TRAFFIC STOP**

After deciding to stop a vehicle, the officer should:

- Select a safe location for the stop.
- Notify the communications center of the location of the stop, the license plate number of the vehicle and any other information deemed important by the officer.
- Use emergency equipment to signal the violator motorist to pull over. Continue using emergency equipment as necessary to provide protection for the violator, the officer and other motorists.
- Position the police vehicle with officer, violator and public safety in mind.

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- Observe the occupants for suspicious movements, using spotlight if necessary, and then approach on foot. Depending on the area of the stop and traffic conditions, officers should consider whether a passenger or driver's side approach would be the safest method of approach.

Use extreme caution on all traffic stops. Call for additional units as necessary.

#### 505.5.2 VIOLATOR CONTACT

When contacting the violator or other vehicle occupants, officers shall project a professional image. Officers should:

- Greet the violator courteously and professionally.
- Explain the reason for the stop, request required documentation and explain the enforcement action to be taken.
- Attempt to calm persons who display signs of emotional distress arising from the contact.
- If issuing a notice of infraction, explain the procedure to respond or appear.
- After releasing a violator, take reasonable steps to assist them in re-entering the flow of traffic.

#### 505.5.3 HIGH-RISK TRAFFIC STOPS

When a traffic stop is known to be of a high-risk nature, efforts should be made to initiate the stop only when there are an adequate number of police vehicles, preferably a minimum of three, and officers in a position to assist. In addition to the above, officers should adhere to the following officer / public safety considerations:

- **Traffic Control** - Additional officers should be requested to stop or divert uninvolved vehicle and / or pedestrian traffic when necessary in order to limit exposure to the line of fire.
- **Vehicle Positioning** - The police vehicles should be positioned in a manner that provides cover and concealment from the suspect vehicle. Officers should be aware of crossfire potential when positioning their vehicles. Officers should also consider other positions of cover and / or concealment in order to reduce the risk of crossfire and increase their ability to observe the vehicle and its occupants. Officers should not leave their positions of cover / concealment until they believe all occupants have been removed from the vehicle, unless they are designated and properly covered to take subjects removed from the vehicle into custody or tasked with clearing the suspect vehicle at the conclusion of the stop.
- **Verbal Commands** - Only one officer at a time should provide verbal commands to the occupants, unless an additional cover officer must give emergency commands. Occupants will be instructed to exit the vehicle one at a time upon command and in a manner providing the most consistent observation of their hands. As each occupant is brought out of the vehicle, the officer should command the subject move into positions allowing the officers to visually inspect the person prior to being directed to move toward the handcuffing officer.

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- **Handcuffing of Occupants** - Occupants may be handcuffed and / or patted-down, absent arrest, when a reasonably prudent officer under the circumstances would be reasonable in the belief officer or public safety was in jeopardy. Each occupant will be detained in a safe location until the investigation is complete or the occupants can be safely released, whichever occurs first. Handcuffs shall be removed without undue delay when it has been determined any subject is not to be arrested and no longer represents a threat to the officer or others.
- **Clearing of the Vehicle** - Once officers believe the vehicle is no longer occupied, a team of at least two officers will tactically conduct a visual check of the vehicle to confirm it is clear.
- **Conclusion of the High-Risk Stop** - Once the officers have determined all occupants have been detained, steps should be taken to return to normal traffic patterns as soon as possible.

#### **505.6 HIGH-VISIBILITY VESTS**

The department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### **505.6.1 REQUIRED USE (CALEA 61.3.2E)**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. High-visibility vests shall be worn during traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

##### **505.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, and in the saddlebag or gear bag of each police bicycle. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

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A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Fleet and Supply Officer should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

#### **505.7 HAZARDOUS ROAD CONDITIONS (CALEA 61.4.2)**

The Port of Seattle Police Department will make all reasonable efforts to immediately respond to and address all reported hazardous road conditions. If the responding officer cannot remedy the hazardous road condition alone, the officer should request assistance from appropriate resources. These resources, dependant on the type of hazard, may include; additional officers, the Port of Seattle field crew, Port of Seattle Landside operations, the appropriate utility company, the appropriate highway or street department, a tow truck provider, fire department, assistance from outside agencies, etc.

#### **505.8 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.

A Patrol Division Commander will be indetified to ensure 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.

##### **505.8.1 NOTIFICATION OF INFRACTION**

A Patrol Divison Commander 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)).

#### **505.9 TRAFFIC CONTROL (CALEA 61.3.2)**

Officers may take personal charge of traffic control and direct traffic depending on the incident. Examples of incidents that may necessitate traffic control include traffic collisions, traffic congestion, fire assist, critical incidents, perimeter control, adverse road or weather conditions, etc.

When directing traffic, the following guidelines should be observed:

- Officers will ensure that they are visible by utilizing flashlights, reflective clothing and flares, especially during hours of darkness or adverse weather conditions.

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- Officers will utilize the police whistle or appropriate voice commands depending on the situation.
- Officers will use uniform hand signals and gestures for manual traffic direction and control. It is important that officers position themselves so their hand signals can be seen from a long distance. Two basic hand signals should be used. Officers should use an open hand, palm out sign to indicate "Stop." 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.
- When utilizing flares and cones, set them far enough from the collision scene to give sufficient warning to approaching traffic.
- 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 truck providers, public works, field crew, etc).
- Officers assisting at a fire or rescue scene shall ensure that civilian traffic does not interfere with the respective operations. At no time should vehicles be allowed to drive over fire hoses unless specifically directed by the fire department personnel on the scene.

#### **505.9.1 TEMPORARY TRAFFIC CONTROL DEVICES**

Temporary traffic control devices generally include portable signs, barriers and other apparatus intended for temporary deployment to assist with control and direction of traffic.

These devices are generally deployed by the Port of Seattle Field Crew. When the devices are no longer needed, they should be removed by the Port of Seattle Field Crew.

#### **505.10 SCHOOL BUS SAFETY CAMERAS**

Any school district with buses properly equipped with cameras that capture stop-arm violations may report such violations to the Port of Seattle Police Department whenever they occur within the department's jurisdiction.

A Patrol Division Commander should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180).

#### **505.10.1 NOTIFICATION OF INFRACTION**

A Patrol Division Commander 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.

#### **505.11 LAW ENFORCEMENT ESCORT SERVICES (CALEA 61.3.3)**

Escort services may be provided in situations where such services would be advantageous to traffic control and directions. Coordination with outside agencies will determine the extent of such participation. It may include, but is not limited to, public officials and dignitaries, funerals, fallen



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service member details, oversize loads and vehicles with hazardous or unusual cargo. Dignitary escort requests that rise to the level of necessitating a SWAT response, will be forwarded to the SWAT commander or designee. See the **VIPS** Subsection to the POSPD **Unusual Occurrences and Special Operations** Policy for SWAT dignitary escorts.

- (a) Requests for escorts will be referred to and coordinated by a Patrol Division Commander. When the department provides escort service, the route will be established in advance as well as the maximum speed to be maintained along each segment of the route.
- (b) Point traffic control will be established, as appropriate, at sufficient locations along the scheduled route to ensure safe passage.
- (c) Tactical control of the escort will be assigned to a specific commander, supervisor or officer in accordance with the complexity of the escort services to be provided. The tactical controller will set the pace of the escort taking into consideration prevailing conditions. The tactical controller will terminate the escort and resume normal vehicular operation when, in their opinion, conditions are such that continuation of the escort would constitute an unacceptable risk to the public.
- (d) The use of emergency vehicle equipment during the escort will be specified in advance by appropriate supervisory or command personnel.

#### 505.11.1 ESCORT OF CIVILIAN VEHICLES IN MEDICAL EMERGENCIES

Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and should be avoided whenever possible. Officers are discouraged from, and will not, without supervisory approval, initiate emergency escorts of civilian vehicles. In medical emergencies, aid units should be requested to the scene and officers should render assistance until the aid unit's arrival.

#### 505.12 AIRPORT DRIVES TRAFFIC CONTROL

Officers shall provide professional, proactive, public service oriented traffic control. The primary function is to maintain the flow of traffic on and off the drives. The goal is prevention first, education next, and enforcement if needed, always done with professional behavior.

Appropriate action is the minimum degree of enforcement necessary consistent with the primary function and goal. Our mission is to obtain citizens' willful compliance with traffic laws on the drives, prevent collisions and to educate drivers of our need for their assistance in keeping the airport safe in compliance with the Homeland Security / Transportation Security Administration (TSA) mandate of no unoccupied vehicles on the drives. Airport Patrol Sergeants are expected to monitor traffic conditions throughout the patrol shift, making adjustments to staffing based on need.

Officers assigned to traffic control on the drives will:

- Actively monitor traffic flow by physical presence;
- Actively assist in moving traffic;
- Strive to ensure no vehicles are left unattended on the drives;

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- Attempt to locate the driver of unattended vehicles within the immediate area;
- Issue NOI's and/or impound vehicles when appropriate (see next section for rental vehicle guidelines);
- Deal with all drivers in a professional manner;
- Provide special assistance requested by motorists when possible; and
- Maintain beat integrity by shifting presence between the upper and lower drives as needed to address traffic flow issues.

#### **505.13 RENTAL VEHICLE TRAFFIC ENFORCEMENT**

The Port of Seattle jurisdiction experiences a high concentration of rental vehicles operating on its roadways. RCW 46.63 prohibits the issuing of an NOI when the infraction is based on a vehicle's identification (parking violation) and the registered owner of the vehicle is a rental car business without first providing written notice to the rental car business.

Often, the officers' interaction with a rental vehicle involves an unoccupied vehicle left on the airport drives that poses a real security threat in violation of Homeland Security / TSA mandates and the Airport Security Plan.

Officers should follow these guidelines for enforcement action against a rental vehicle:

- Officers should run all violating vehicle's license plates through Communications to determine the registered owner (RO) prior to issuing an NOI.
- If the RO is a rental car business, officers should not issue an NOI for an infraction based on a vehicle's identification, but instead, ask Communications to contact the rental car business.
- Communications will advise the rental car business of:
  - The license plate and description of the violator vehicle (e.g., unlocked, with keys, etc.)
  - Location of the violator vehicle (e.g., abandoned-blocking the airport arrival drives).
  - The need to have the vehicle removed in a timely manner or be subject to impound.
- Communications will document the contact including the name and phone number of the rental car business representative with whom they spoke.
- If the rental car business is unavailable for contact or unable to respond in a reasonable amount of time to retrieve their vehicle, the officer will request an impound.
- Officers will reference the incident number on the impound form.

## Traffic Support Specialists

### 506.1 PURPOSE AND SCOPE

The Port of Seattle Police Department Traffic Support Specialists (TSS) were established to supplement and assist regular sworn police officers in their Airport Drive traffic control duties. The TSS provides professional, non-sworn personnel who can augment regular sworn Airport Drive unit staffing levels. TSS are not commissioned peace officers and therefore have no law enforcement authority (RCW 10.93).

### 506.2 STANDARDS, SELECTION, AND APPOINTMENT OF TRAFFIC SUPPORT SPECIALISTS

The Port of Seattle Police Department shall endeavor to recruit and appoint to the Traffic Support Specialists (TSS) only those applicants who meet the high ethical, moral and professional standards set forth by this department. Selection of TSS candidates will be made in accordance with the process promulgated in the ***Traffic Support Specialist*** and ***Standards for Traffic Support Specialists*** Subsections of the POSPD ***Recruitment and Selection*** Policy. Candidates who are selected for appointment to the TSS shall be interviewed by the Chief or their designee and shall agree to carry out their duties to the best of their ability in accordance with the department's policies and procedures and the rules and regulations of the Port of Seattle.

### 506.3 DUTIES OF TRAFFIC SUPPORT SPECIALISTS

TSS assist regular sworn officers in facilitating safe, and convenient movement of pedestrian and vehicular traffic within assigned areas of the exterior of the terminal building where vehicle approach and departure routes are located. TSS also provide directional and informational assistance to the public concerning use of airport transportation services and related ground transportation support facilities. In addition, TSS patrol assigned areas of responsibility, monitoring roadway operating and safety conditions, and vehicle and crowd activity. As needed TSS initiate requests to sworn police officers for crowd and/or vehicular control.

#### 506.3.1 POLICY COMPLIANCE

TSS shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each TSS employee upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a regular full-time employee, it shall also apply to a TSS employee unless by its nature it is inapplicable.

#### 506.3.2 TSS ASSIGNMENTS

Assignments of TSS will be to augment the Airport Patrol Division in areas in and around Seattle-Tacoma International Airport's Departure and Arrival Drives.

### 506.4 TSS TRAINING

After appointment, TSS employees receive training appropriate to their anticipated duties. This training is coordinated through the department's Office of Professional Development.

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### *Traffic Support Specialists*

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Training topics include but are not limited to:

- First Aid / CPR
- Airport Geography / Area Knowledge
- Radio Procedures
- De-escalation Techniques / Verbal Communication Skills
- Safe Operations Around Vehicles

#### **506.5 SUPERVISION OF TRAFFIC SUPPORT SPECIALISTS**

TSS employees shall be under the immediate supervision of a regular sworn sergeant or other identified sworn personnel.

##### **506.5.1 IDENTIFICATION OF TRAFFIC SUPPORT SPECIALISTS**

All TSS employees will be issued, and required to have on their person, a valid Port of Seattle identification badge.

##### **506.5.2 UNIFORM**

TSS employees shall conform to all applicable uniform regulation and appearance standards of this department.

##### **506.5.3 INVESTIGATIONS AND COMPLAINTS**

If a TSS employee has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation will be investigated in accordance with department policy and procedure.

TSS are considered at-will employees with exception that the right to a hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a TSS employee shall be accomplished as outlined in policy.

#### **506.6 TERMINATION OF TRAFFIC SUPPORT SPECIALISTS**

If a TSS employee is terminated for any reason, including resignation, the Port of Seattle Police Department shall promptly obtain the former employee's Port of Seattle identification badge and other issued and/or pooled department equipment and uniform items.

# Unauthorized 24-Hour Vehicle Violations

## 507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24-hour time limitations.

## 507.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted with a Port of Seattle Police Department Parked Automobile Report Card (PAR Card). No case number is required at this time (RCW 46.55.010(14)).

A notification card shall be applied in a visible location. The officer may mark the vehicle window with a paint pen or similar marking device. Any deviation in markings shall be noted on the Marked Vehicle Card (RCW 46.55.085(1)).

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period, the vehicle shall be re-marked for another 24-hour period using a PAR Card.

### 507.2.1 VEHICLE STORAGE

An officer may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The officer authorizing the storage of the vehicle shall complete a Washington Uniform Inventory Impound Form. The completed form shall be submitted to the Records immediately following the storage of the vehicle (RCW 46.55.075(2)). The officer should also generate a case number and document the impound in a case report.

## Vehicle Towing (CALEA 61.4.3)

### 508.1 PURPOSE AND SCOPE

This department recognizes the importance of facilitating the safe and proper removal of vehicles, when necessary, from the roadway at a collision scene, in situations where a vehicle is obstructing the normal and safe traffic flow or when other circumstances support the need for removal. As a general rule, vehicles should not be subjected to police impound absent a compelling reason.

### 508.2 POLICY

The Port of Seattle Police Department will tow vehicles when appropriate and in accordance with the law.

### 508.3 RESPONSIBILITY

**Private Property** - For the purposes of this policy, business or residential property within our jurisdiction and Port of Seattle owned property that is leased to a private entity shall be treated as private property. Examples also include the STIA parking garage and Port of Seattle employee parking lots.

Notwithstanding the provisions set forth in the RCW allowing for the impounding of vehicles illegally parked in handicapped stalls, police officers do not have the authority to impound vehicles on private property unless:

- The vehicle is there as the result of a collision.
- The vehicle is stolen.

Officers should assist citizens reporting abandoned vehicles on private property by attempting to ascertain if the vehicle in question is a stolen vehicle.

- The vehicle or its contents are of evidentiary value.

When a vehicle is to be recovered or impounded for the purpose of collecting evidence and is located on private property, the officer may need to obtain a search warrant or consent from the property owner, lessee or resident, to enter that property and remove the vehicle. If it is unclear to the officer and supervisor whether a search warrant is needed, guidance should be sought from the CID Sergeant or Commander.

**Public Locations** - Public locations include platted, public roadways within our jurisdiction, including right-of-ways, the shoulder of the road, Port of Seattle parks, previously platted roadways and clear zone areas.

When an officer finds or responds to a vehicle which appears to be abandoned and is parked in a public location, the officer shall:

- Determine if the vehicle has been reported as stolen. If the vehicle returns as stolen, proceed with recovering the stolen vehicle.

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### *Vehicle Towing (CALEA 61.4.3)*

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- Visually check the vehicle interior for any unusual circumstances such as ignition tampering, obvious signs of theft, etc. If such damage is noted, attempt to contact the current vehicle owner to determine the vehicle status. If this investigation determines the vehicle to be an unreported stolen vehicle, proceed using the procedure for vehicle theft reporting and stolen vehicle recovery.
- If the vehicle is not stolen, has current Washington registration plates and is not an immediate traffic hazard, the officer should complete a 24-hour vehicle removal notice and affix it to a conspicuous place on the vehicle.

The officer or designee from this department shall then make a reasonable effort to contact the owner by telephone in order to give the owner the information on the vehicle removal notice. The contact attempt should be noted in the incident report. Vehicles not moved within 24 hours may then be impounded.

#### **508.4 TOWING SERVICES**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, provided that the requested towing company can respond to the scene in a reasonable amount of time. When there is no preferred company requested, a company will be selected from the list of towing companies in Communications Center.

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). The officer will document the impound using the Washington Uniform Inventory Impound Form.

Vehicles that are not the property of the Port 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.

#### **508.5 ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2))).

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### *Vehicle Towing (CALEA 61.4.3)*

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- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the department will not be responsible for theft or damages to the vehicle.

#### **508.6 VEHICLE INVENTORY**

Items of value in a stored or impounded vehicle shall be inventoried and listed on the Washington Uniform Inventory Impound Form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting impound inventories should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the department against fraudulent claims of lost, stolen, or damaged property.

#### **508.7 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

#### **508.8 COMMUNICATIONS SPECIALIST'S RESPONSIBILITIES**

Upon receiving a request for towing, the communications specialist shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.



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### *Vehicle Towing (CALEA 61.4.3)*

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When there is no preferred company requested, the communications specialist shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### **508.8.1 RECOVERY OF STOLEN VEHICLES**

Whenever an officer conducts a police impound on a stolen vehicle, Communications Center personnel will promptly attempt to notify the owner of the recovered vehicle. In the event that the owner cannot be notified of the recovery at the time of impound, Communications Center personnel should make reasonable efforts to make notification until the following business day. If by the beginning of the following business day notification has still not been made, communications center personnel shall then make reasonable attempts to notify the owner of the vehicle and advise them of the impound and current vehicle location (RCW 7.69.030(7)).

#### **508.9 POLICE IMPOUND RECORDS**

Whenever a police impound is conducted, the officer shall complete a Washington Uniform Inventory Impound Report Form. The report will indicate the date, time, location, impound officer, inventory officer, reason for the impound, the tow operator, vehicle information, applicable driver's information, registered owner's information, vehicle's body condition, any holds to be placed on the vehicle and the location to which the vehicle was towed.

The completed Washington Uniform Inventory Impound Report will be forwarded to the Records Section so information regarding the impound can be recorded.

## **Chapter 6 - Investigation Operations**

# Asset Forfeiture

## 600.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

Personal property may be seized by officers of this department under RCW 69.50.505 only. Real property subject to seizure may be referred to asset seizure detectives assigned to the Port of Seattle Police Department Drug Interdiction Unit or the Drug Enforcement Administration Task Force.

### 600.1.1 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 Port of Seattle Police Department seizes property for forfeiture or when the Port of Seattle 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 Port of Seattle Police Department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed, or sold illegally (RCW 9.41.098).
- (b) Devices, profits, proceeds, associated equipment, and conveyances related to illegal gambling (RCW 9.46.231).
- (c) 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).

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- (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).
- (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.

#### **600.2 POLICY**

The Port of Seattle 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 Port of Seattle 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.

#### **600.3 ASSET SEIZURE**

The seizure and forfeiture of any currency, real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the law provided the offense(s) involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain criminal violations is permitted (RCW 69.50.505). Any officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to law.

##### **600.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of the Chief of Police or a designated supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant, or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
  - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9.46.231).

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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).

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.

#### **600.3.2 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 9.46.231; RCW 9A.88.150; RCW 69.50.505).

#### **600.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized pursuant to RCW 69.50.505, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must make a reasonable effort to identify and serve the owner or interested parties of the property with applicable seizure forms.
- (b) Complete and submit a report and original seizure forms within a reasonable period of time.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within a reasonable period of time.

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The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Contested seizures will be subject to a civil seizure hearing proceeding adjudicated in a timely manner by a hearing examiner appointed by the Chief of Police.

#### 600.4.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen. The property will be booked as evidence with a notation as "Seized Subject to Forfeiture".

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

#### 600.4.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in an evidence bag with the denomination of the currency, totals of each denomination, and total amount of currency enclosed noted on the evidence bag. The officer counting and supervisor verifying the currency will initial and sign the evidence bag when sealed.

Currency seized will be placed into evidence notating "subject to asset forfeiture". The Detective Sergeant shall ensure the currency is deposited into a non-interest bearing Asset Forfeiture Account. The currency shall remain there until such time as the final order of forfeiture is signed by the hearing examiner.

#### 600.4.3 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 detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

#### 600.4.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept in the Criminal Investigations Division. The inventory shall include the following:

- Case number.
- Date of seizure.
- Value.
- Type of seizure (Federal or State).

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- Status of seizure.

Information maintained on the log will be provided to the Chief of Police or their designee, as requested.

#### **600.5 MAINTAINING SEIZED PROPERTY**

The Evidence and Property Room Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **600.6 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.

#### **600.7 PROCEEDS FROM FORFEITURE**

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

## Brady Material Disclosure (CALEA 42.1.6)

### 601.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the Port of Seattle Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

**Material witness** -a person who has information about the subject matter of a criminal prosecution which is significant enough to affect the outcome of the case or trial.

### 601.2 POLICY

The Port of Seattle 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 Port of Seattle 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.

### 601.3 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.



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### *Brady Material Disclosure (CALEA 42.1.6)*

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#### **601.4 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 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.

#### **601.5 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).

#### **601.6 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

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### *Brady Material Disclosure (CALEA 42.1.6)*

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#### **601.7 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 Administrative Services Division Commander or the authorized designee.

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

- (a) Working with the appropriate prosecutors' offices and the General Counsel'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.

#### **601.8 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.

# Eyewitness Identification

## 602.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 602.1.1 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.

**Sequential presentation** - A method for presenting the physical lineup/photo array in which each individual/photograph is presented one-at-a-time to the victim/witness.

**Simultaneous presentation** - A method for presenting the physical line-up/photo array in which all individuals/photographs are presented to the victim/witness at the same time.

## 602.2 POLICY

The Port of Seattle 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.

## 602.3 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.

## 602.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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The process 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.
- (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.

#### **602.5 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 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.

#### **602.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

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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.

#### **602.7 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 or simultaneously.

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.

#### **602.8 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.

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- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

# Facial Recognition Technology Use

## 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Facial recognition technology (FRT)** - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

**Probe image** - A search image submitted to FRT for comparison with images contained within an image database. A sketch or other manually produced image shall not be used as a probe image (RCW 43.386.080).

## 603.2 POLICY

Use of public facing biometrics, including facial recognition technology (FRT), to perform real-time or near-real time law enforcement and security functions at Port facilities, and by Port employees overall, is prohibited (Port of Seattle Commission Order 2021-06, RCW 43.386.080).

It is the policy of the Port of Seattle Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

## 603.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

## 603.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

- (a) Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:
  - 1. A process for submitting and assessing officer requests to use FRT.
  - 2. Requirements related to processing and reviewing results generated from the use of FRT.
- (b) Establishing procedures for collecting, processing, and storing FRT data.

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- (c) Establishing procedures for access and security controls for department FRT systems, services, and data.
  - 1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.
- (d) Establishing a procedure for submitting images to the image database. The procedure should include:
  - 1. A requirement that officers submit images.
  - 2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver license, state identification, passport, any other official identification that includes a photograph).
- (e) Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).
- (f) Conducting periodic audits of department FRT use.
  - 1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.
  - 2. The FRT Coordinator shall submit demographic data of individuals who were surveilled pursuant to RCW 43.386.080 annually as required (RCW 43.386.070).
- (g) Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.
- (h) Coordinating with the Training Sergeant to develop, identify, and update FRT training for officers who utilize the FRT system.
- (i) Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.
- (j) Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.
- (k) Coordinating with the information systems technology supervisor, department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.
- (l) Drafting the notice of intent and accountability reports as applicable, and coordinating notice and public participation as required (RCW 43.386.020).

#### **603.5 AUTHORIZED USES OF FRT**

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

- (a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective
- (b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)
- (c) Deceased individuals
- (d) Individuals who are incapacitated or do not know their identities



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- (e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)
- (f) Suspects in unsolved crimes
- (g) Missing or endangered persons
- (h) Unknown individuals pursuant to any other legitimate law enforcement purpose

#### **603.5.1 USE OF FRT IN SURVEILLANCE**

Officers may use FRT in conjunction with ongoing surveillance, real-time identification, and persistent tracking pursuant to a warrant, under exigent circumstances, or pursuant to a court order authorizing the use of FRT to locate or identify a missing person or to identify a deceased person (RCW 43.386.010; RCW 43.386.080).

#### **603.6 ACCESS TO FRT**

Only officers authorized by the Department may use FRT.

Prior to using FRT, an officer seeking authorization shall submit a request to the appropriate supervisor consistent with department procedures.

The request should, at a minimum, include the following:

- (a) The nature of the investigation
- (b) The reason an officer believes that FRT use is necessary
- (c) An explanation of how FRT may assist with the development of investigative leads
- (d) A case identification number

#### **603.7 FRT SEARCHES**

An officer may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

##### **603.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS**

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

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#### **603.7.2 FRT SEARCH DOCUMENTATION**

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

- (a) The requesting officer's name and position.
- (b) Confirmation that the search was pre-approved pursuant to department procedures.
- (c) The purpose of the search.
- (d) The search parameters, if any.
- (e) The date and time of the search.
- (f) A list of any image databases searched.
- (g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.
- (h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

#### **603.8 PRIVACY CONSIDERATIONS**

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

#### **603.9 PROHIBITED USES**

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

- (a) For the arrest of individuals based solely on FRT results.
- (b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and thFourteenth Amendments.
- (c) For any non-law enforcement purpose.
- (d) As the sole basis for identification to establish probable cause in a criminal investigation.
- (e) To harass or intimidate any individual or group.
- (f) Based solely upon an individual's religious, political, or social views or activities (RCW 43.386.080).
- (g) In any other manner that would violate applicable law, regulation, or policy.

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No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

#### **603.10 RELEASE OF FRT DATA**

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

#### **603.11 RETENTION OF FRT DATA**

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

#### **603.12 DOCUMENTATION**

All pertinent records regarding the use of FRT shall be maintained to facilitate public reporting and auditing of compliance with this policy and any related procedures (RCW 43.386.070).

#### **603.13 TRAINING**

Officers whose duties may require the use of FRT shall receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following (RCW 43.386.060):

- (a) Capabilities and limitations of FRT
- (b) FRT system functions and interpretation of results
- (c) Data security and privacy concerns
- (d) Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)
- (e) Digital media handling and protections
- (f) Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)
- (g) Principles of comparison
- (h) Cognitive bias, confirmation bias, implicit bias, and automation bias
- (i) Conducting a meaningful human review of results (RCW 43.386.010(7))
- (j) Applicable policy, procedure, and federal and state law requirements

An officer who uses mobile facial recognition shall receive additional training appropriate to that application of the technology.

The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

# Forensic Genetic Genealogy

## 604.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

### 604.1.1 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.

## 604.2 POLICY

The Port of Seattle 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

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maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

#### **604.3 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.

#### **604.4 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.

#### **604.5 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

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

#### **604.6 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.

#### **604.7 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.

#### **604.8 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:

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- (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.

#### **604.9 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.

#### **604.10 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 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.

## Informants (CALEA 42.2.6)

### 605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Port of Seattle Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Port of Seattle Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 605.2 POLICY

The Port of Seattle Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 605.3 USE OF INFORMANTS

#### 605.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from a Criminal Investigations Division Supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

#### 605.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians.
- (b) The juvenile's attorney, if any.
- (c) The court in which the juvenile's case is being handled, if applicable.
- (d) The Chief of Police or the authorized designee.

In addition, a designee from the above list will serve as the ongoing point-of-contact throughout the juvenile informant's agreement.



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### *Informants (CALEA 42.2.6)*

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#### 605.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by the Criminal Investigations Division supervisor before being finalized with the informant.

#### 605.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Criminal Investigations Division supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Port of Seattle Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Division supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Criminal Investigations Division supervisor.
  - 1. Officers may meet adult informants alone in an occupied public place, such as a restaurant.
  - 2. Two officers may meet juvenile informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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### *Informants (CALEA 42.2.6)*

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#### **605.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **605.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigations Division. The Criminal Investigations Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Criminal Investigations Division supervisor or their authorized designees. Release of informant information is prohibited except in response to a court order or with the express permission of the Criminal Investigation Division Supervisor.

The Criminal Investigations Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Criminal Investigations Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit

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is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### **605.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### **605.6 INFORMANT PAYMENTS**

Non-Drug Interdiction Unit (DIU) informants will not be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any non-DIU informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

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### *Informants (CALEA 42.2.6)*

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The Criminal Investigation Division supervisor will discuss the above factors with the Criminal Investigation Division commander and recommend the type and level of payment subject to approval by the Chief of Police.

DIU informants may be advised in advance of any potential payment and/or percentage of seizures.

#### 605.6.1 PAYMENT PROCESS

The case number shall be recorded on a *Voucher for Payment of Information and Purchase of Evidence Form* to the Criminal Investigations Division Supervisor justifying the payment. The Chief of Police or authorized designee's signature is required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Criminal Investigations Division investigative fund.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the voucher. The confidential informant will sign the voucher indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Port of Seattle Police Department case number shall be recorded on the voucher. The voucher will be kept in the confidential informant's file.

If the payment amount exceeds \$500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his / her actions in the case(s).

#### 605.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### 605.6.3 AUDIT OF PAYMENTS (CALEA 17.4.2)

The Criminal Investigations Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

Quarterly the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

## **Interviews and Interrogations (CALEA 1.2.3 / 42.2.8)**

### **606.1 PURPOSE AND SCOPE**

This policy applies to both, uniformed and non-uniformed personnel. It is Port of Seattle Police Department policy to protect the constitutional rights of all persons, including those suspected of criminal activity.

### **606.2 INTERVIEWS/INTERROGATIONS (CALEA 1.2.3)**

It is important to differentiate between interviews and interrogations. In general terms, interviews can be conceptualized as merely a documented conversation occurring between police and citizens about an incident. For example, police officers obtaining statements from victims and witnesses of a crime. Based on information provided, interviews can however evolve into interrogations.

An interrogation may begin when the investigator gains certain knowledge about the incident and/or subject which then causes them to suspect the subject may be in some way involved in the incident.

No officer shall coerce or by any means obtain involuntary statements from a suspect.

Prior to interrogation, officers shall advise all suspects of their constitutional rights per Miranda:

- (a) When advising a person of the Miranda warnings, the officer shall read from a Department- authorized Miranda card (e.g.; WSCJTC issued) or statement form.
- (b) The person must waive their rights, either verbally or in writing, prior to performing an interrogation.

#### **606.2.1 ACCESS TO COUNSEL**

Officers shall cease interrogation of any suspect upon their request for an attorney or counsel. Only when the suspect has been given access to counsel, and reinitiates contact, may an officer seek permission to question the suspect absent the presence of counsel. An officer is only required to provide access to counsel when the suspect being questioned requests it.

Regardless of Miranda applicability, Washington State requires the following advisement be given to every person taken into custody: "You have the right to talk to a lawyer. If you are unable to pay for a lawyer, you are entitled to have a lawyer provided for you without charge."

#### **606.2.2 INTERVIEWS / INTERROGATIONS OF VULNERABLE POPULATIONS (CALEA 41.2.7 C)**

Officers should use careful consideration when interviewing / interrogating members of vulnerable populations such as people with mental illness and people with developmental disability. When it is necessary to question members of vulnerable populations, officers should 1) address any immediate medical issues, 2) assess the individual's vulnerability, and 3) consider utilizing resources such as a professional advocate and/or a forensic interviewer when applicable.

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### *Interviews and Interrogations (CALEA 1.2.3 / 42.2.8)*

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#### **606.3 INTERVIEW/INTERROGATION ROOMS (CALEA 42.2.8)**

The following procedures shall be adhered to regarding the use of department interview/interrogation rooms.

- (a) **Weapons Control** - No weapons will be allowed into the airport temporary detention facility interview/interrogation rooms. Firearms and other department-issued equipment are authorized to be carried in other interview/interrogation rooms within the police department.
- (b) **Interview/Interrogation Room Security** - Officers will search the interview/interrogation room for weapons and contraband both before and after each use. Suspects being interviewed/interrogated regarding open criminal cases will be checked for weapons prior to being questioned inside the police department. Subjects will not be left unattended and / or unmonitored in an interview/interrogation room. Department designated interview/interrogation rooms are equipped with video cameras that, if needed, can be used to monitor suspect interviews.
- (c) **Personnel Allowed in the Interview/Interrogation Room** - Interviews/interrogations should generally be conducted with no more than two officers present in the room.
- (d) **Summoning Assistance** - Officers will carry either their radio or cell phone on their person should an issue arise requiring assistance. Department designated interview/interrogation rooms are equipped with dispatch monitored duress alarms that can also be used to summon assistance.
- (e) **Interview/Interrogation Room Equipment** - Interview/interrogation rooms will be kept clear of items other than those required for the interview/interrogation. Necessary items to be used in the interview/interrogation rooms include, but are not limited to, applicable department forms, pens, pencils, paper, recording devices, table, chairs, etc.
- (f) **Access to Accommodations** - When subjects being interviewed/interrogated require a restroom or break, they will be accompanied by a commissioned member of the police department. Access to water and other basic needs will be accommodated. Restrooms and water fountains are located in both the temporary detention facility and the common areas of the police department.

# Investigation and Prosecution

## 607.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 607.2 POLICY

It is the policy of the Port of Seattle 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.

## 607.3 INITIAL INVESTIGATION

### 607.3.1 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.
  - 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.

### 607.3.2 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.

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- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
- (a) 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.
- (b) 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.

#### **607.4 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.

##### **607.4.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation at a detention facility (defined by RCW 10.122.020) shall be recorded in its entirety, by both audio and video, if the individual being interrogated is:

- (a) a juvenile; or
- (b) an adult suspected of having committed a felony.

The recording must include any required warnings, advice of 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 Criminal Investigations Division supervisor.



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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.

#### 607.4.2 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 to conduct the interrogation at a location other than a detention facility, and summarize the custodial interrogation process and the individual's statements (RCW 10.122.030).

#### 607.4.3 EXCEPTIONS

An exception to the recording requirement applies in the following circumstances:

- (a) When spontaneous utterances or statements are made outside the course of a custodial interrogation, or a statement is made in response to a question asked routinely during the processing of the arrest of an individual (RCW 10.122.030).
- (b) When 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 10.122.050).
- (c) When 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 further recording should be recorded electronically (RCW 10.122.060).
- (d) When a custodial interrogation occurs in another state in compliance with that state's law, or is conducted by a federal law enforcement agency in compliance with federal law, provided the intent of the interrogation by other jurisdiction is not to circumvent the electronic recording requirement (RCW 10.122.070).
- (e) When 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). However, if 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, if feasible.
- (f) When 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. If

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feasible and consistent with the safety of a confidential informant, the officer should record an explanation of the basis for that belief at the time of the interrogation. If contemporaneous recording is not feasible, it should be recorded as soon as practicable after the interrogation is completed (RCW 10.122.090).

- (g) When the equipment malfunctions (RCW 10.122.100).

#### **607.4.4 RECORDING PROCEDURES**

The Criminal Investigations Division supervisor is responsible for developing procedures on how a recording is made, including standards for angles, focus, and field of vision to promote accurate recording.

The Administrative supervisor is responsible for:

- (a) Developing procedures for the collection and review of recordings or absence of recordings.
- (b) Accountability regarding adequate staffing and material resources.
- (c) Developing procedures for preservation of chain of custody or recordings.
- (d) Developing a process for explaining noncompliance with procedures.

The Training Sergeant is responsible for:

- (a) Collaboration with the Criminal Investigations Division supervisor and Administrative supervisor to develop training on procedures for electronic recording of custodial interrogations.
- (b) Implementation of initial and on-going training on electronic recording of custodial interrogations.

#### **607.5 NOTIFICATION OF SENSITIVE INVESTIGATIONS**

As needed, the CID Commander will inform the Chief of Police of agency activities regarding investigations involving VICE, Organized Crime and major drug investigations.

The CID Commander should consider the following criteria when deciding whether to provide notification to the Chief regarding a case:

- Does the investigation have the potential to generate significant media attention?
- Does the investigation involve a Port of Seattle employee?
- Does the investigation involve the seizure of large amounts of narcotics or assets?
- Does the investigation have the potential to disrupt Port of Seattle operations?
- Does the investigation involve multiple agencies?

#### **607.6 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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- (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.

#### **607.7 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 that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **607.8 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 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.

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Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the POSPD **Records Maintenance and Release** and **Criminal Organizations** Policies).

#### **607.8.1 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 from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires 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.

#### **607.8.2 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.

#### **607.9 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **607.10 REPRODUCTIVE HEALTH CARE INVESTIGATIONS, PROSECUTIONS, OR OTHER LEGAL ACTIONS**

Per Port of Seattle Commission Order 2022.08, the Port of Seattle Police Department (POSPD) will align POSPD Policy with Washington State Governor Directive 22-12, Subsequently, the POSPD will refrain from providing any cooperation or assistance whatsoever to any federal or out-of-state law enforcement agency, public entity, or private party if the matter concerns abortion-related conduct or other reproductive health care services that are lawful in the State

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of Washington. This includes, but is not limited to, declining to cooperate with an out-of-state subpoena, search warrant, or court order not originated in the State of Washington and inconsistent with Washington's protections of the right to choose abortion and provide abortion-related care.

Any requests received by the POSPD to engage in any actions associated with reproductive health care investigations, prosecutions, or other legal actions identified above will be relayed to the Chief of Police via Chain of Command. The Chief of Police will provide notification to the Port of Seattle Commission regarding any such requests.

# Operations Planning and Deconfliction

## 608.1 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.

### 608.1.1 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.

## 608.2 POLICY

It is the policy of the Port of Seattle 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.

## 608.3 SPECIAL OPERATIONS - HOMELAND SECURITY DIVISION COMMANDER

The Chief of Police will designate a member of this department to be the Special Operations - Homeland Security Division (HSD) Commander.

The Special Operations - HSD Commander/ Valley SWAT Commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Special Operations - HSD Commander / Valley SWAT Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 608.4 RISK ASSESSMENT

### 608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

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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).
- (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 officer and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and Special Operations - HSD Commander / Valley SWAT Commander 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. The risk assessment alone is not the only factor utilized to determine the deployment of resources for an operation. Additional factors regarding the unique aspects and/or circumstances related to an operation may also be taken into consideration.

#### 608.4.3 HIGH-RISK OPERATIONS

If the Special Operations - HSD Commander / Valley SWAT Commander, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - (a) Hostage Negotiations Team (HNT)
  - (b) Additional personnel
  - (c) Outside agency assistance
  - (d) Special equipment

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- (e) Medical personnel
- (f) Persons trained in negotiation
- (g) Additional surveillance
- (h) Canines
- (i) Evidence and Property Room or analytical personnel to assist with cataloguing seizures
- (j) Forensic specialists
- (k) Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

#### **608.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **608.6 OPERATIONS PLAN**

The Special Operations - HSD Commander / Valley SWAT Commander 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)



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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
- (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.
- (a) An adequate number of uniformed officers.
  - (b) should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - (c) 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.

#### 608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

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#### **608.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (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 operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - (a) Exceptions may be made by the operations director 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.
  - (a) It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - (b) If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **608.8 HNT PARTICIPATION**

If the Special Operations - HSD Commander / Valley SWAT Commander determines that HNT participation is appropriate, the director and the HNTSupervisor shall work together to develop a written plan. The HNTSupervisor 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 HNTSupervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **608.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

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#### **608.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any HNT debriefing.

#### **608.11 TRAINING**

The Special Operations - HSD Commander, in collaboration with the Office of Professional Development when applicable, should ensure officers and HNT team 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

## 609.1 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.

### 609.1.1 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.

**Hope Card** - A laminated, wallet-sized card that provides the protected person a more portable, durable way to provide important information about an existing protection order that officers can use to assist in the verification of the order in the case of a potential violation.

## 609.2 POLICY

It is the policy of the Port of Seattle 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.

## 609.3 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.

## 609.4 RESPONSE TO SEXUAL ASSAULTS ABOARD AIRCRAFT

Given the transitory nature of victims, suspects, and potential witnesses, sexual assaults occurring aboard aircraft can present challenges to officers. When a pilot heading to Sea-Tac Airport reports a sexual assault on board, the below guidelines (in conjunction with other applicable policy and procedure) can assist officers in responding to these incidents:

- Meet plane at gate. Upon flight's arrival, ideally prior to any passengers disembarking, contact crew to identify/locate suspect(s), victim(s), and any witnesses.

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- Remove from plane and interview separately: suspect(s), victim(s), and any witnesses.
  - If a witness who may have seen the incident cannot stay (e.g., connecting flight), thoroughly document contact information for follow-up.
  - Minor victim(s) or witnesses: In addition to following special protocols whenever interviewing minors, interview the minor's parent/guardian traveling with child.
  - Suspect(s) on connecting flight: If suspect is on a connecting flight (especially if international), interviews will have to be conducted and decision to further detain/charge based on probable cause will have to be completed on site.
- Obtain copy of Aircraft's incident report and make sure all airline personnel's contact information is included for investigative follow-up.

If assault is determined not to have occurred in Washington State airspace, it is a federal crime. If not already notified, contact and forward report to FBI for possible follow-up.

#### **609.5 INVESTIGATION AND REPORTING**

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

##### **609.5.1 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a qualified investigator should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

##### **609.5.2 HOPE CARD PROGRAM**

The Hope Card Program is a centralized program at the Administrative Office of the Courts (AOC) for the issuance of protection order Hope Cards in scannable electronic format by superior and

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district courts (RCW 7.105.352). The following full civil protection orders, which must be past temporary status before cards can be issued, are included within the Hope Card Program:

- (a) Domestic Violence Protection Order (DVPO) per RCW 7.105.100(a)
- (b) Sexual Assault Protection Order (SAPO) per RCW 7.105.100(b)
- (c) Stalking Protection Order (SPO) per RCW 7.105.100(c)
- (d) Vulnerable Adult Protection Order (VAPO) per RCW 7.105.100(d)
- (e) Anti-Harassment Protection Order (AHPO) per RCW 7.105.100(f)

Officers shall accept the Hope Card as an indicator of an underlying full civil protection order, however, officers shall verify the order per the **Verification of Court Orders** Subsection of the **Domestic Violence** Policy.

#### 609.5.3 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).

#### 609.5.4 VICTIM CONFIDENTIALITY

A victim who seeks to have his/her address remain confidential should be referred to the Office of the Secretary of State to submit an application to participate in the address confidentiality program (RCW 40.24.030).

Information identifying a child victim under the age of 18 is confidential and not subject to release to the press or public without the permission of the child or the child's legal guardian unless allowed by law and as provided in RCW 10.97.130. Identifying information includes the child's name, address, location, photographs and the relationship of the child victim in cases where the alleged perpetrator is a relative or stepparent (RCW 10.97.130).

#### 609.5.5 VICTIM MEDICAL ASSISTANCE, PERSONAL REPRESENTATIVE, AND ADVOCATE

Victims have the right to immediate medical assistance and not to be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the sexual assault if the questioning does not hinder the administration of medical assistance (RCW 7.69.030(9)).

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

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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).

#### 609.5.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a qualified investigator should be involved in the collection of forensic evidence from the victim in order to ensure proper evidence chain of custody.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that urine and blood samples from the victim be collected by a medical professional as soon as practicable.

If resources allow, kits or biological evidence from all rape cases, including cases where the suspect is known by the victim, should be submitted for biological testing. The result and the case information should be entered into state and national registries in a timely manner.

All evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence.

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.

#### 609.5.7 SUBMISSION OF SEXUAL ASSAULT EXAMINATION KITS

Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

#### 609.5.8 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

#### 609.5.9 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 Criminal Investigations Division Supervisor.

Classification of a rape case as unfounded requires the Criminal Investigations Division Supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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#### 609.5.10 AUDITING CASE DISPOSITIONS

The Criminal Investigations Division 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 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.

#### 609.6 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 Criminal Investigations Division 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.

#### 609.7 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.
  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) Medical and legal aspects of sexual assault investigations.
  - (c) Serial crimes investigations.
  - (d) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - (e) Techniques for communicating with victims to minimize trauma.
  - (f) 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 Criminal Investigations Division Supervisor shall complete this course within a year of assignment.



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- (g) Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

#### **609.8 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

### 610.1 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 ***Unusual Occurrences and Special Operations*** Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 610.2 POLICY

It is the policy of the Port of Seattle 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.

### 610.3 OPERATIONS DIRECTOR

The Port of Seattle Police Department Special Weapons and Tactics (SWAT) Commander or designee shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The SWAT Commander or designee will also have the responsibility to coordinate service of those warrants that are categorized as high risk.

### 610.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officers 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 operations director for review and classification of risk (see the Unusual Occurrences and Special Operations Policy).

### 610.5 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 operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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#### **610.6 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. An officer may force entry into a dwelling, house, enclosure, or building to make an arrest only if, after notice of the officer's office and purpose, the officer is refused admittance (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).

#### **610.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **610.8 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.

#### **610.9 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.

#### **610.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

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- 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 operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Port of Seattle Police Department are utilized appropriately. Any concerns regarding the requested use of Port of Seattle 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 Port of Seattle Police Department SWAT Commander is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Port of Seattle Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Port of Seattle Police Department when assisting outside agencies or serving a warrant outside Port of Seattle Police Department jurisdiction.

#### **610.11 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.

#### **610.12 TRAINING**

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

#### **610.13 NO-KNOCK ENTRIES**

To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other enclosure, if, after notice of their office and purpose, they are refused admittance. An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of their office and purpose when executing the warrant (RCW 10.31.040).

#### **610.14 DOCUMENTATION**

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

## **Chapter 7 - Equipment and Uniforms**

## Conducted Energy Devices (TASERs)

### 700.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Devices, henceforth referred to simply as a, "TASER" and/or, "TASER devices".

#### 700.1.1 DEFINITIONS

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

**Conducted energy device** - Also referred to as a CED, a portable device that fires probes that transmit an electrical charge or electrical current intended to temporarily immobilize a person (e.g., TASER device).

### 700.2 POLICY (CALEA 4.1.1)

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

### 700.3 ISSUANCE AND CARRYING TASER DEVICES (CALEA 4.1.4 / 4.3.1 / 4.3.2)

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

The TASER Program Manager, Office of Professional Development Sergeant, and/or Office of Professional Development Officer will facilitate the issuance of TASERS and TASER cartridges via the department's portal in Axon's Evidence.com, which is the same online portal that tracks all TASER data via TASER Battery and TASER Docks.

An officer that is issued a TASER device is expected to carry it as an option to be considered when deadly force is not justified (*Washington State Office of the Attorney General Model Use of Force Policy*).

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

Commissioned department members assigned to the Command Team and/or Special Units may be exempt from carrying a TASER device due to environmental and/or operational circumstances per active service on the Command Team and/or Department approved Special Unit Manuals. Exempt commissioned department members shall carry another less lethal control device in accordance with POSPD **Control Techniques** and **Control Devices** Policies.

Members carrying the TASER device should perform a function test on the unit prior to every shift to check functionality of the unit and remaining battery life. Officers should report any malfunctions to a supervisor or other appropriate personnel.

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When carried while in uniform officers shall carry the TASER device in a weak-side / support-side holster on the side opposite the duty weapon. Officers use of their weak-side / support-side hand to draw, exhibit, and use the TASER device is encouraged.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the TASER device at the same time.
- (d) Officers should replace their TASER device rechargeable battery as needed but no less than once per month.

#### **700.3.1 USER RESPONSIBILITIES**

Officers shall be responsible for ensuring that the issued TASER 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 prior to the beginning of the officer's shift.

TASERS that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the TASER Program Manager for disposition. Officers shall submit documentation stating the reason for the return and how the TASER or cartridge/magazine was damaged or became inoperative, if known.

#### **700.4 VERBAL AND VISUAL WARNINGS (CALEA 4.1.1)**

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

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed (e.g. code phrase of, "TASER-TASER-TASER").

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate the warning alert, or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

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

#### **700.5 USE OF THE TASER DEVICE**

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



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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 TASER may be considered for officer safety.

#### 700.5.1 APPLICATION OF THE TASER

The TASER 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 TASER to apprehend an individual.

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

#### 700.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes (*Washington State Office of the Attorney General Model Use of Force Policy*):

- (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 oleoresin capsicum (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, industrial equipment, bicycles, and scooters unless deadly force is justified.

The primary use of a CED is not as a pain compliance tool. The drive-stun mode available with TASER 7 devices remaining in inventory should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes

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attached in close proximity, or when no other alternatives to deadly force are available and appropriate (*Washington State Office of the Attorney General Model Use of Force Policy*).

In extraordinary circumstances, an extended application of the TASER may be used to control a violent or physically resisting subject in an attempt to gain control of the subject without the use of multiple applications, to reduce the potential for injury to the suspect and/or the officer, and/or to avoid using deadly force.

#### 700.5.3 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, face, neck, chest, or groin. 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.

#### 700.5.4 MULTIPLE APPLICATIONS OF THE TASER

Officers shall apply the initial TASER device application for only one standard cycle of five seconds or less while continuing to evaluate the overall circumstances during the initial TASER application, and then re-evaluate the situation before applying any subsequent cycles. An officer shall use only the minimum number of cycles necessary to control the subject. Officers shall monitor and look for a change in behavior when using the TASER device. If the subject continues to aggress, it could be an indication that the TASER device may not be effective against that subject and the officer shall consider other options (*Washington State Office of the Attorney General Model Use of Force Policy*). 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.
- (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 TASER increase the risk of serious bodily injury or death. Officers should not intentionally deploy multiple TASER devices at the same person, unless the first deployed Taser clearly fails. An officer shall consider other options if the officer has used a TASER three times against a person and the person continues to be a threat, as the TASER may not be effective against that person (*Washington State Office of the Attorney General Model Use of Force Policy*).

#### 700.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the TASER. Officers shall promptly notify a supervisor of all TASER device discharges. As soon as practical

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following the use of force discharge of a TASER, the expended cartridge, along with both probes and wire, should all be submitted into the Evidence and Property Room (E&PR). The cartridge serial numbers should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

The involved officer shall exchange the TASER battery pack for a fully charged one in the TASER docking station prior to the end of the officer's shift. The deployment data from the officer's TASER will be uploaded to [www.evidence.com](http://www.evidence.com) via the docking station. It is not necessary to take the TASER out of service unless there are questions about its condition or readiness. The deploying officer should be issued a replacement for the expended TASER cartridge(s). A [www.evidence.com](http://www.evidence.com) administrator will record the TASER deployment data from the website for case documentation.

#### 700.5.6 DANGEROUS ANIMALS

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

#### 700.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

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

### 700.6 DOCUMENTATION (CALEA 4.2.1)

Officers shall document all use of force TASER device discharges in the related case report. Officers shall clearly articulate the justification for each individual application of the TASER device in the related case report (*Washington State Office of the Attorney General Model Use of Force Policy*). Notification shall also be made to a supervisor who will further document the discharge in compliance with the **Use of Force** Policy (e.g. BlueTeam entry).

A case report shall be completed if any of the following occur:

- (a) Warning Arc (TASER 7) Activation / Warning Alert (TASER 10) Activation
- (b) Laser activation
- (c) Pointing the TASER device at a person
- (d) Unintentional discharge
- (e) Verbal warning

#### 700.6.1 REPORTS

The officer will include the following in the case report:

- (a) Any known or suspected drug use, intoxication, or other medical problems
- (b) Explanation of circumstances surrounding the discharge or other action, including observations of the subject's physical and physiological actions

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- (c) Identification of all personnel who discharged TASER devices
- (d) Identification of all witnesses
- (e) Medical care provided to the subject
- (f) TASER cartridge serial number
- (g) TASER device serial number

#### **700.7 MEDICAL TREATMENT (CALEA 4.1.5 / 70.1.6)**

At the earliest, safe opportunity at a scene controlled by law enforcement, TASER probes shall be removed. Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. In extenuating circumstances, officers trained in probe removal and probe handling may remove TASER probes, unless probes are in a sensitive area, with supervisor approval. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by an emergency medical technician (EMT), paramedic or other qualified healthcare professional (*Washington State Office of the Attorney General Model Use of Force Policy*):

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications 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 TASER device (see the ***Medical Aid and Response*** Policy).

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#### **700.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. As soon as practical following the use of force discharge of a TASER, the on-duty supervisor will ensure the expended cartridge(s) are submitted to the E&PR.

A supervisor should notify the Office of Professional Development Sergeant and the TASER Program Manager via email of the discharge, to assign an [www.evidence.com](http://www.evidence.com) administrator.

The device's onboard memory should be downloaded through the data port, saved, and documented in an appropriate report by a supervisor. Photographs of probe sites should be taken and witnesses interviewed.

#### **700.9 TRAINING (CALEA 4.3.2 / 4.3.3 / 4.3.4)**

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

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

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

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

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

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

The Professional Development Sergeant should ensure all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

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- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near 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 TASER device and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the TASER device.
- (i) Proper use of cover and concealment during deployment of the TASER for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications or extended applications of the TASER.

## Control Devices

### 701.1 PURPOSE AND SCOPE (CALEA 4.1.4)

This policy provides guidelines for control devices deployed by officers of this department.

#### 701.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy and RCW 10.116.030):

**Baton** - A cylindrical club made of wood, rubber, plastic, or metal used as a less-lethal option to engage a non-compliant subject via strikes.

**Kinetic energy launcher** - A point-of-aim, point-of-impact, direct-fire, single-shot launcher utilized to engage a non-compliant subject with less-lethal rounds.

**Kinetic energy projectile** - A lightweight projectile consisting of a plastic body and sponge nose, which can be loaded with OC powder, that utilizes a smokeless powder propellant and rifling collar for spin stabilization.

**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 (RCW 10.116.030).

### 701.2 POLICY (CALEA 4.1.4)

In order to control subjects who are violent or who demonstrate the intent to be violent, the Port of Seattle Police Department authorizes officers to use control devices which are used in accordance with the guidelines in the POSPD **Control Techniques** Policy, the POSPD **Use of Force** Policy, and the permissible use of force by the law (RCW 10.120.020).

### 701.3 ISSUE, REVIEW, INSPECTION, AND APPROVAL OF 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.

Recommendations for additions or major changes to the types and specifications of the department's authorized control devices shall be submitted to the Chief of Police through the Professional Standards and Development Division. Prior to the submission of any recommendation, a staff study shall be conducted to include a needs assessment, training aspects and a cost analysis. This staff study shall be included with the recommendation to the Chief. The Chief of Police shall grant final approval prior to any control device being added as a department-authorized weapon.

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### *Control Devices*

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Any control device approved for use shall be inspected by a designated instructor or armorer for that particular type of control device prior to it being issued or put into service.

The Professional Development Sergeant shall maintain documentation identifying the types and specifications of all department-authorized control devices and munitions.

#### **701.3.1 PERSONALLY OWNED BATONS**

If an officer chooses to carry their own baton for uniform patrol duties, the baton must be of high quality and produced by a reputable manufacturer. Only batons approved for use by the Professional Development Sergeant or their designee (e.g. DT Program Manager) are authorized to be carried. Approval will be documented and a record maintained in the Office of Professional Development.

#### **701.4 RESPONSIBILITIES**

##### **701.4.1 FLEET AND SUPPLY OFFICER RESPONSIBILITIES (CALEA 4.3.1)**

The Fleet and Supply Officer shall control the inventory and shall issue all control devices. All damaged, inoperative, outdated and/or expended control devices or munitions shall be returned to the Fleet and Supply Officer for disposition, repair or replacement.

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

The Fleet and Supply Officer, using the department's inventory control program, shall keep a record on each control device approved for use by the agency.

Each record shall include:

- (a) Weapon type, description, applicable model / serial numbers, applicable issue date and maintenance history.
- (b) Identity of owner and/or assignee.

##### **701.4.2 USER RESPONSIBILITIES (CALEA 4.3.1)**

Control devices shall be regularly inspected and function checked by the user to ensure serviceability and safe working condition.

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

Any unsafe control device will be removed from service and reported immediately to the employee's supervisor. Unsafe control devices will be forwarded to the Fleet and Supply Officer for repair or replacement.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Fleet and Supply Officer for disposition. Damage to Port of Seattle property forms shall also be prepared and forwarded through the Chain of Command, when appropriate, explaining the cause of damage.



## Edged Weapons

### **702.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for officers who choose to carry an edged weapon.

### **702.2 EDGED WEAPON USE**

The Port of Seattle Police Department authorizes each officer to possess and use a knife, both on and off duty, while acting in their official capacity. If an officer does choose to carry a knife, it shall be carried in a manner that does not cause undue alarm to the public. It is recognized that the officer may have many needs for a knife, including general work and for defensive purposes and is authorized via RCWs 9.41.250 and 9.41.251.

# Firearms

## 703.1 PURPOSE AND SCOPE

The Port of Seattle 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.

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms and shall only apply to those members who are authorized to carry firearms. This policy does not apply to issues related to the use of firearms addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

The Chief of Police or their designee shall approve all department firearms before they are acquired and utilized by any member of this department. The department will ensure firearms are appropriate and in good working order and relevant training is provided as resources allow.

## 703.2 POLICY

The Port of Seattle Police Department recognizes a firearm as:

- (a) Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive (18 USC Chapter 44 and 26 USC Chapter 53), and
- (b) A weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder (RCW 9.41.010(12)).

As such, when handling and/or deploying firearms while on-duty or off-duty, members will take great care in doing so within the formalized roles, responsibilities, and expectations memorialized in this policy.

## 703.3 AUTHORIZED FIREARMS

No firearms will be carried which have not been thoroughly inspected by a Department Armorer. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that specific weapon at an authorized department range.

### 703.3.1 REVIEW, INSPECTION AND APPROVAL OF DUTY FIREARMS (CALEA 4.3.1)

Recommendations for additions or major changes to types and specifications of the department's authorized issued lethal weapons shall be submitted to the Chief of Police through the Professional Standards and Development Division. Prior to submission of any recommendation, a staff study shall be conducted to include a needs assessment, training aspects and a cost analysis. This staff study shall be included with the recommendation to the Chief. The Chief of Police shall grant final approval prior to any weapon being added as a department-authorized issued weapon.

Any firearm approved for use shall be inspected by a Department Armorer to ensure proper function and that the weapon is in safe working order prior to it being issued or put into service.

The Professional Development Sergeant and Rangemaster shall maintain documentation identifying types and specifications of all department-authorized lethal weapons.

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The authorized departmental issued handguns are the Glock family of pistols in caliber 9mm.

The authorized departmental shotguns, issued to trained SWAT Officers, in caliber 12 gauge are as follows: Remington 870 Series, SRM Arms 12x Series, Mossberg 930 Series, and Beretta 1301 Series.

Personally owned handguns may also be considered for primary on-duty use as approved by the Rangemaster and authorized by the Chief. To be considered for primary on-duty use, the personally owned handgun must be from a reputable manufacturer, have a minimum of a 4" barrel, and be in one of the following calibers: 9mm, .357 Sig, .40 cal, .45 cal, 10mm. The process of gaining approval to carry a personally owned primary handgun shall be governed by the parameters set forth in the **Authorized Secondary Firearms** Section of this policy. Officers are required to have personally owned firearms, that are used as a primary on-duty handgun and not of the Glock family, inspected annually by a Certified Armorer.

Authorized primary on-duty handguns may also be carried by personnel serving in an administrative capacity.

#### 703.3.2 AUTHORIZED SECONDARY FIREARMS (CALEA 4.3.1)

Officers desiring to carry a secondary firearm (i.e. Back-up Gun) are subject to the following restrictions:

- (a) The firearm shall be in good working order and shall meet the approved types and specifications guidelines for department-authorized secondary / off-duty firearms:
  - Semi-Automatic Pistol or Double-Action Revolver of quality manufacture, having a minimum of five round capacity
  - Minimum caliber of .380 ACP
- (b) The purchase of the firearm and non-department issued caliber ammunition (e.g. calibers .380 ACP, .38 Special, .357 Magnum, etc.) shall be the responsibility of the officer.
- (c) Only one secondary firearm may be carried at a time.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) The firearm shall be inspected by the Rangemaster or designee prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) If the caliber of the firearm is other than department issue or if department issued ammunition is not going to be carried, the ammunition shall meet the approved types and specifications guidelines for department-authorized ammunition governed by the parameters set forth in the AMMUNITION section of this policy.
- (g) Personnel shall qualify with the secondary firearm under range staff supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon.

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- (h) An approved Authorization of Personal Firearm Form shall be on file prior to being carried.
- (i) It will be the responsibility of the officer to submit the weapon and request form to the Rangemaster or designee for inspection prior to being carried.
- (j) Authorized secondary firearms may be carried as a primary duty weapon by plain clothes, administrative personnel serving in non-first responder assignments.

#### 703.3.3 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The firearm shall be issued by the department or meet the approved types and specifications guidelines for department-authorized duty weapons, secondary / off-duty firearms.
- (b) The purchase of any non-issued firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall assure the officer is proficient in handling and firing the firearm and will ensure it will be carried in a safe manner. The firearm shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the firearm prior to it being carried and thereafter annually.
- (e) An approved Authorization of Personal Firearm Form shall be on file prior to being carried off duty.
- (f) A complete description of the firearm shall be contained on the Qualification Form and approved Authorization of Personal Firearm Form.
- (g) If an officer desires to own more than one firearm utilized while off-duty, they may do so, as long as all the requirements set forth in this policy are met for each weapon used.
- (h) Ammunition shall meet the approved types and specifications guidelines for department-authorized ammunition governed by the **Ammunition** Section of this policy.
- (i) When armed off-duty based on their authority as a peace officer, officers shall carry their department identification and may carry their badge.

#### 703.3.4 AMMUNITION (CALEA 4.3.1)

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified caliber (9mm and .556 cal) and quantity for all department issued

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firearms biennially. Officers carrying authorized personally owned firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Officers carrying authorized personally owned firearms of a caliber differing from department issued firearms shall also be responsible for obtaining training ammunition from a reputable manufacturer at their own expense.

Officer purchased ammunition shall meet the approved types and specifications guidelines for department-authorized ammunition:

- Ammunition used on-duty must be new (not reloaded), commercially manufactured ammunition, using customary bullet design and safe working pressures.
- Officers that use an approved personally owned handgun as their primary duty firearm, per the **Review, Inspection, and Approval of Duty Firearms** Section of this policy, shall be responsible for obtaining the same brand and type of duty ammunition, at their own expense, if their approved personally owned handgun is of a caliber differing from department issued firearms,
- For Secondary (i.e. Back-up Guns) and/or Off-Duty Firearms must be in a minimum of .380 ACP caliber.
- Non-department ammunition must be approved in writing by the Chief or their designee upon recommendation by the Rangemaster on the Authorization of Personal Firearm Form and shall also be documented on the applicable Qualification Form.

Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Fleet and Supply Officer, Rangemaster, or Firearms Program Manager when needed in accordance with the **Department Owned and Personal Property** Policy.

The Professional Development Sergeant and Rangemaster shall maintain documentation identifying the types and specifications of all department-authorized ammunition.

#### 703.3.5 ALCOHOL AND DRUGS

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

#### 703.3.6 RED DOT SIGHTS, LASER SIGHTS AND MOUNTED LIGHTS

Red Dot Sights, laser sights and/or mounted lights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster or Department Armorer.

- (a) Any approved Red Dot Sight, laser sight and/or mounted light shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved Red Dot Sights, laser sights and/or mounted lights have been properly installed, the officer shall qualify with the firearm to ensure proper functionality and/or sighting of the weapon prior to carrying it. The applicable Qualification Form will reflect the presence of Red Dot Sights, laser sights and/or mounted lights. Officers must also qualify without utilizing the Red Dot Sight and/or laser sight.

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

Similarly, weapon mounted lights are used to illuminate a known or potential threat or other authorized target, they should not be used as a replacement for a flashlight (e.g., to search with).

#### 703.3.7 AUTHORIZED DUTY HOLSTERS

Holsters utilized by all uniformed, first responders shall be Safariland brand, sized specifically to the handgun (to include any mounted lights, lasers, etc.), and have a minimum of a Level-II type retention system as rated by the manufacturer. All holster retention devices (e.g., ALS Guard, SLS Hood, etc.) shall be utilized at all times to secure the handgun and will not purposely be left disengaged. Officers carrying authorized personally owned handguns that are used as their primary duty firearm and are not of the Glock family are required to purchase, at their own expense, a holster that meets the requirements set forth in this section.

Holsters employed by personnel in non-uniformed duty assignments will be of quality manufacture and sized specifically to the handgun.

Members shall routinely inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### 703.4 SAFE HANDLING OF FIREARMS

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

##### 703.4.1 SAFETY CONSIDERATIONS (CALEA 4.2.1A)

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster and/or Firearms Instructors. While on-duty, officers may dry fire and/or practice manipulations (e.g., quick draws) only in the areas designated and only after completing introductory instruction covering dry fire and/or practice manipulations by the Rangemaster and/or Firearms Instructor.
- (c) Notwithstanding the reporting requirements in the POSPD **Officer-Involved Shootings and Deaths** Policy any member who discharges their issued and/or authorized firearm accidentally, on or off-duty, shall make a verbal report to an on-duty supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their division commander prior to the end of shift. If off-duty, the report will be filed as directed by an on-duty supervisor. The employee's immediate supervisor, along with the Professional Development Sergeant and Department Rangemaster shall be promptly notified of all accidental discharges for purposes of determining any remediation in accordance with the REMEDIAL TRAINING Section of the TRAINING Policy. Accidental discharges occurring during range training shall result in immediate retraining by an on scene firearms instructor. The firearms instructor shall document the incident and retraining and promptly submit a report to the Professional Development Sergeant and Department Rangemaster. If

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the reason for the discharge is unknown, the Deputy Chief of the Services Bureau shall ensure a qualified armorer inspects the weapon (CALEA 4.2.1a).

- (d) Officers shall not clean, repair, load or unload a firearm anywhere in the department, except where clearing barrels are present.
- (e) Firearms removed from vehicles shall be loaded and unloaded outside of the vehicle.
- (f) Officers shall not place or store any firearm on department premises except where the place of storage is locked. No one shall carry firearms into the Temporary Detention Facility or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure persons from outside agencies do not enter the Temporary Detention Facility with any firearm.
- (g) Officers shall not use any weapon for which they are not trained and qualified, except with approval of a supervisor.
- (h) Any weapon authorized by the department to be carried on- or off-duty, which is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department Rangemaster or Department Armorer for inspection. Any weapon determined to be in need of service or repair will be immediately removed from service. If the firearm is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is determined by the Rangemaster to be serviceable.

#### 703.4.2 STORAGE OF FIREARMS (CALEA 4.3.1)

Officers shall ensure all department-authorized firearms and ammunition, when not being carried, are locked and secured while in the workplace, their homes, vehicles or any other area under their control in a manner keeping them inaccessible to children, irresponsible adults and any other unauthorized access.

If requested by a member, the department Fleet & Supply Officer will issue the appropriate safe storage device for department-authorized firearms.

Members should be aware negligent storage of a firearm could result in civil liability.

#### 703.5 FIREARMS QUALIFICATIONS (CALEA 4.3.2 & 4.3.3)

Prior to receiving department authorization to carry a firearm, all sworn personnel shall acknowledge receipt of, and receive training on, the department's Use of Force related policies. This training shall include policy instruction in the use of reasonable / deadly force, warning shots, control devices and techniques (includes less-lethal type weapons) and medical attention to be obtained for injuries caused by the use of force. The receipt of these policies and the fact instruction was provided shall be documented by the Office of Professional Development in the member's training file.

All sworn personnel are required to qualify annually with their issued and/or authorized duty weapon(s) and authorized secondary firearms on a Department approved range course. The Rangemaster or designee shall keep accurate records of repairs and maintenance done to

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department weapons. Qualifications and training records will be kept with the Professional Development Sergeant in the Officer's files. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department's Use of Force policy and demonstrate their knowledge and understanding.

#### **703.5.1 NON QUALIFICATION (CALEA 4.3.3)**

If an officer is unable to attend qualifications for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall promptly advise in writing (e.g., submit a memorandum or e-mail) their immediate supervisor. The immediate supervisor will promptly notify the Professional Development Sergeant.

Sworn members who fail to qualify on their first attempt shall be provided remedial training by a Department Firearms Instructor until proficiency is demonstrated and will be subject to the following requirements:

- (a) No more than three attempts to qualify will be permitted in a day.
- (b) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (c) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (d) No qualification credit will be given for the following:
  - 1. Unauthorized range make-up.
  - 2. Failure to qualify after remedial training.

Any failures to qualify will be documented on both, the applicable qualification form and in BlueTeam.

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

#### **703.6 WARNING AND OTHER SHOTS (CALEA 4.1.3)**

"Warning shots" are prohibited (Washington State Office of the Attorney General Model Use of Force Policy).

Generally, three shots fired (per Hunter-Ed) or a gun fired at intervals of 1 minute (per USCG 72 COLREGS Rule 37 - Distress Signals) for the purpose of signaling distress, also known as "signal shots," are strongly discouraged and may not be discharged unless the officer reasonably believes they appear necessary, effective, and reasonably safe.



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#### **703.7 DESTRUCTION OF ANIMALS**

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

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

##### **703.7.1 INJURED ANIMALS**

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners may be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

#### **703.8 RANGEMASTER DUTIES**

All ranges for conduct of department firearms qualifications and/or firearms training shall be scheduled by the Rangemaster, Firearms Program Manager, or designee. The range will be under the exclusive control of the assigned Firearms Instructors. All members attending will follow the directions of the assigned Firearms Instructors. Range staff will maintain a roster of all members attending the range and will submit the roster to the Professional Development Sergeant after each range date.

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

The Rangemaster or designee shall review and approve all department firearms related training lesson plans.

#### **703.9 MAINTENANCE AND REPAIR**

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since use of personally owned firearms is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such firearm(s).

Unsafe issued firearms will be removed from service and reported immediately to the member's supervisor and Rangemaster. Unsafe issued firearms will be safely forwarded to the Rangemaster for repair or replacement.

A complete record of each firearm approved for use by department members shall be maintained by the Rangemaster and Office of Professional Development. Each record shall include:

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- Firearm type, description, model, serial number and maintenance history.
- Identity of owner and / or assignee.

#### 703.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster or designee shall be the only persons authorized to repair or modify any department owned weapon. All repairs and/or modifications of department authorized weapons must be completed by the Rangemaster, department approved gunsmith/armorer, or factory service center.

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

#### 703.10 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes 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 department identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) In accordance with TSA procedures, the department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail their itinerary and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.
- (e) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of their assigned seat.

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- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on their person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should not surrender their firearm, but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

#### **703.11 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 their department identification whenever carrying such weapon.
- (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 individual states may enact local regulations permitting private persons or entities to prohibit or restrict possession of concealed firearms on their property, or that prohibit or restrict possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active officers from other states are subject to all requirements set forth in 18 USC 926B.

# Handcuffs and Restraint Devices

## 704.1 PURPOSE AND SCOPE

This policy provides guidelines for handcuffs and restraints deployed by officers of this department.

### 704.1.1 DEFINITIONS

**Auxiliary Restraint Devices** - Transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices intended for use during long-term restraint or transportation.

**Handcuffs** - A restraint device comprised of lockable linked metal rings for securing or restricting movement of a subject's wrists.

**Leg Irons** - An auxiliary restraint device comprised of a metal band or chain placed around a subject's ankles, typically used to restrict movement and prevent them from running or kicking.

**Leg Restraints** - A restraint device that restricts the movement of a subject's legs, typically used to prevent them from running or kicking.

**Padded Helmet** - A protective headgear included in the WRAP Restraint System with added padding to reduce the severity of head impacts.

**Plastic Cuffs / Flex Cuffs** - Nylon or plastic cuffs typically used to temporarily restrain a subject's hands.

**Restraint / Protective Restraint** - A device engineered and constructed with the intent and/or primary function to restrain and/or protect the movement of an individuals arms and/or legs.

**Spit Guard** - A woven mesh device also referred to as a spit hood, spit mask, or spit sock 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.

**Transport Belt** - An auxiliary restraint device comprised of a belt attached to handcuffs and typically used to secure a subject's wrists and waist for transport.

**Transport Chains** - An auxiliary restraint device comprised of a chain attached to handcuffs and typically used to secure a subject's wrists and waist for transport.

**Waist or Belly Chain** - An auxiliary restraint device comprised of a chain that encircles the waist, attaches to handcuffs, and positions the subject's hands close to their sides and typically used when there is a high risk of escape or on long distance transports.

**WRAP Restraint System** - A protective restraint device or safe restraint system designed to protect subjects, officers, and staff by reducing the possibility of injury and death.

## 704.2 POLICY

The Port of Seattle Police Department authorizes the use of handcuffs and restraint devices in accordance with this policy.

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### *Handcuffs and Restraint Devices*

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#### **704.3 DEPARTMENT AUTHORIZED HANDCUFFS**

The Port of Seattle Police Department authorizes use of only those handcuffs that are made available by a reputable manufacturer, are in good condition, function as intended, and can be double locked.

#### **704.4 DEPARTMENT AUTHORIZED RESTRAINT DEVICES**

The Port of Seattle Police Department authorizes use of only those department issued auxiliary restraint devices, handcuffs, leg restraints, spit guards, and protective restraint devices.

## Patrol Rifles (CALEA 4.3.1)

### 705.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Port of Seattle Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

### 705.2 PATROL RIFLE

#### 705.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department or personally owned weapon and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department Rangemaster.

### 705.3 SPECIFICATIONS (CALEA 4.3.1A)

Only patrol rifles and ammunition meeting agency authorized types and specifications and are approved by the Chief of Police, may be used by officers in their law enforcement responsibilities.

The authorized patrol rifle issued by the department is a suppressed Springfield Armory, Colt, LaRue, Rainier Arms, or Bushmaster manufactured AR15-type rifles. Rifles of this same specification are also individually issued to SWAT members. The following tactical marksman (sniper) rifles are authorized and issued to trained SWAT Officers in caliber.308 WIN / 7.62MM: ArmaLite AR-10 Series, ROBAR Precision Rifle Series, and Accuracy International AT 308. In addition, the department pre-deploys a small number of non-suppressed, AR15-type rifles in Rapid Response Weapon Lockers. These pool weapons are intended for emergent use only by personnel who may be unable to retrieve their issued, suppressed rifles when responding to an incident.

The Professional Development Sergeant shall maintain documentation identifying the types and specifications of all department-authorized lethal weapons and ammunition.

### 705.4 RIFLE MAINTENANCE (CALEA 4.3.1D)

Primary responsibility for the routine maintenance of department owned, pool patrol rifles shall fall on the Rangemaster or designated armorer. Primary responsibility for routine maintenance on individually issued patrol rifles shall be the assigned operator. Each officer shall be responsible for promptly reporting any damage or malfunction of a patrol rifle to the Rangemaster or designee. Any patrol rifle found to be unserviceable shall immediately be removed from service. The rifle shall be rendered safe, clearly labeled as "out of service," and details regarding the weapon's condition provided to the Rangemaster or designee.

Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time. The Rangemaster shall designate an armorer who shall perform a detailed technical inspection and servicing of every department owned patrol rifle on an annual basis. No modification shall be made

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### *Patrol Rifles (CALEA 4.3.1)*

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to any patrol rifle without prior authorization from the Rangemaster or designee. Modifications outside of approved department modifications will need the support of the Chief of Police.

#### **705.5 TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial patrol rifle user's course, record zeroing of, and qualification with, an individually issued rifle with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete annual training, record zeroing, and qualification with an individually issued rifle.

Any officer who fails to obtain record zero and/or qualify within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol rifle user's course, and obtaining record zero and qualification with an individually issued rifle.

#### **705.6 DEPLOYMENT OF THE PATROL RIFLE**

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

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.

#### **705.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the department's Use of Force and Firearms policies.

#### **705.8 PATROL READY / ACTION READY CONDITIONS**

Any qualified officer transporting a patrol rifle in the field shall maintain the weapon in a, "Patrol Ready Condition" until deployed. A rifle is considered in a Patrol Ready Condition when it has been inspected by the assigned officer confirming: The fire selector switch is in the safe position, bolt forward on an empty chamber, with a fully loaded magazine (downloaded by two rounds) inserted into the magazine well, and the ejection port "dust cover" closed.

Patrol rifles which are operationally deployed (e.g.; carried during a SURGE, while on perimeter, etc.) should be in the, "Action Ready Condition" with a round chambered, the fire selector switch in the safe position, and optic lens covers opened to allow for expeditious use if needed.

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### Patrol Rifles (CALEA 4.3.1)

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#### 705.9 RIFLE STORAGE (CALEA 4.3.1F)

- (a) When not in use, department owned, pool patrol rifles will be locked in the department armory or in other department common area gun lockers/safes in accordance with the **Storage of Firearms (CALEA 4.3.1)** Subsection within the POSPD **Firearms** Policy.
- (b) When not in use, department owned, individually issued patrol rifles and suppressors shall be safely secured by officers to prevent unauthorized access in a manner consistent with how issued handguns are stowed (e.g.; unloaded and locked inside officer's locker) in accordance with the **Storage of Firearms (CALEA 4.3.1)** Subsection within the POSPD **Firearms** Policy. *Individually issued patrol rifles must be safely transported for administrative purposes unloaded, magazine removed, within a hard or soft case approved by the Rangemaster. For this section, "transported for administrative purposes" shall be defined as carrying the rifle when not responding to an incident.*
- (c) *In event an individually issued or pool patrol rifle is located left inside an unassigned vehicle or found unsecured, officers shall immediately take possession of the rifle and notify an on-duty supervisor who will designate a location to safely secure it (e.g.; Rapid Response Weapon Locker).*
- (d) *Absent exigent circumstances officers will utilize their individually issued patrol rifles. Officers working assignments without a vehicle (e.g., "Tom" units) will forward deploy and secure their assigned rifles in the Bike Room or Sub-Station Rapid Response Weapon Lockers for quick retrieval.*
- (e) *If a pool patrol rifle is utilized under non-exigent circumstances, officers shall promptly inform a Patrol Sergeant, and sign out the rifle on the Patrol Rifle Log documenting the rifle serial number, vehicle number, and date/time of issue and return.*
- (f) *Patrol Sergeants will conduct spot checks of the Bag Room, Bike Room, and Sub-Station Rapid Response Weapon Lockers at least once per shift, ensuring rifle response capability of all foot patrol units and initialing on the Patrol Rifle Log next to each pool rifle present or which is not present, but accounted for, by being signed out by an officer. If a rifle is unaccounted for, the event shall be documented and the Command Duty Officer shall immediately be notified.*
- (g) *A patrol rifle serviceability inspection and inventory shall be conducted on at least an annual basis by the Rangemaster or designated armorer. Documentation of the annual inspection and inventory will be provided to the Professional Development Sergeant and Fleet & Supply.*



## Body Armor (CALEA 41.3.5 / 41.3.6)

### 710.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 710.2 POLICY

It is the policy of the Port of Seattle 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.

### 710.3 ISSUANCE OF BODY ARMOR

The Fleet & Supply Officer shall ensure that body armor is issued to all officers when the officer begins service at the Port of Seattle Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Fleet & Supply Officer 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.

#### 710.3.1 USE OF SOFT BODY ARMOR

Generally, the use of soft body armor is required subject to the following:

- (a) Officers shall only wear agency-approved soft body armor.
- (b) Officers shall wear soft body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing soft body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Soft body armor shall be worn when an officer is working in uniform or taking part in department range training.
- (e) An officer may be excused from wearing soft body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing soft body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing soft body armor.

#### 710.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

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.

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### *Body Armor (CALEA 41.3.5 / 41.3.6)*

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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.

#### 710.3.3 USE OF PLATE (HARD) ARMOR

Plate (hard) armor is provided to mitigate the risks posed to officers by rifle calibers. The use of plate armor is subject to the following:

- (a) Officers shall only wear agency-approved plate armor.
- (b) Officers should wear plate armor anytime they are in a pre-planned situation where patrol rifles are being utilized (e.g., SURGES, other unknown or high-risk circumstances, etc.).
- (c) Officers may be excused from wearing plate armor when they are responding with patrol rifles under exigent circumstances.
- (d) Plate armor shall be worn when an officer is taking part in department range training where patrol rifles are being used.
- (e) An officer deploying a patrol rifle may be excused from wearing plate armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing plate armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing plate armor.
- (f) Plate ballistic armor, stored within the Rapid Response Weapons Lockers, shall be available to all personnel. These pool ballistic vests are intended for emergent use only by personnel who may be unable to retrieve their issued body armor.

#### 710.3.4 CARE AND MAINTENANCE OF PLATE (HARD) ARMOR

Plate armor should be handled carefully and not intentionally dropped or thrown about as this may compromise the structural integrity of the plate.

Plate armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the armor. The instructions can be found on labels located on the surface of each ballistic plate. 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 plate armor cannot be located, contact the manufacturer to request care instructions.

Plate armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor plate label.

Plate armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

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### *Body Armor (CALEA 41.3.5 / 41.3.6)*

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#### 710.3.5 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.

#### **710.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Body-Worn Cameras (CALEA 41.3.8)

### 711.1 PURPOSE AND SCOPE (CALEA 41.3.8A)

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of the Port of Seattle Police Department and for the access, use, and retention of department BWC media (RCW 10.109.010).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

#### 711.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

**BWC media** - The video, audio, and images captured by department BWCs and the associated metadata.

**BWC media systems** - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

**Deactivate** - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

**Event** - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

### 711.2 POLICY (CALEA 41.3.8A)

The Port of Seattle Police Department will provide members with access to BWCs for use during the performance of their duties. The use of BWCs is intended to enhance the mission of the Department by recording contacts between members of the Department and the public. All members provided with a BWC by the Department shall use and wear BWC consistent with this policy.

BWC use shall be in accordance with the applicable law. In the event of future changes to applicable laws, this policy may be reviewed and revised following standard department procedures.

### 711.3 RESPONSIBILITIES

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#### 711.3.1 BWC COORDINATOR RESPONSIBILITIES (CALEA 41.3.8E & 41.3.10F)

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the BWC Coordinator include:

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
  - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
  - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
  - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by officers.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for officers, consistent with state law, who are assigned a BWC or for members given access to BWC media systems.
- (h) Coordinating with the Public Information Officer (PIO), stakeholders, and the community :
  - 1. Provide the public with notice of the Department's use of BWCs (e.g., posting on the Department website or social media pages).
  - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Records Manager and/or Police Specialist(s) to (see the **Records** and **Records Maintenance and Release** Policies):
  - 1. Determine and apply proper retention periods to BWC media.
  - 2. Develop procedures for the appropriate release of BWC media.
- (j) Coordinating with the Property and Evidence Technician to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).

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- (k) Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review.

#### **711.3.2 MEMBER RESPONSIBILITIES (CALEA 41.3.8E)**

Every department member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time. This procedure is not required when the BWC and related software captures the user's unique identification and the date and time of each recording.

Members should wear their assigned BWC in a conspicuous manner: on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

Any member assigned to a non-uniformed position may carry an approved BWC at any time the member believes such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the BWC in a conspicuous manner when in use or otherwise notify individuals they are being recorded, whenever reasonably practicable.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

#### **711.4 BWC USE**

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other personally owned recording device without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to members for department-related activities (RCW 10.109.030).
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

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#### 711.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other department members without their knowledge without a court order.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.
- (h) Surreptitiously any conversation except as provided in RCW 9.73.040, RCW 9.73.090, and RCW 9.73.210.

Members are prohibited from using department-issued BWCs for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recording device. Members shall not duplicate or distribute such recordings, except when authorized for legitimate department business purposes. All such recordings shall be retained at the Department.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

#### **711.5 ACTIVATION OF BWC (CALEA 41.3.8B)**

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

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At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

#### 711.5.1 DECISION NOT TO RECORD

Department members are required to record as much law enforcement activity as reasonably practical. The sensitivity or exigency of a situation may warrant turning off or not activating the BWC. The decision to not record law enforcement activity shall be made by the member wearing the BWC and shall be determined by facts and circumstances which must be justified. Facts and circumstances that support a decision to not record may include, but are not limited to, the following:

- (a) When unsafe or impractical: Law enforcement activity requiring a response that physically prevents an officer from activating the BWC. Officers are advised to put safety ahead of the requirement to activate the BWC.
- (b) Sensitive communications: Law enforcement activity involving sensitive communications, matters of law enforcement intelligence, or where recording the encounter could hinder a criminal investigation.
- (c) When a member of the public objects to being recorded: If a member of the public objects to being recorded, the officer may elect to record despite the objection. Conversations with police officers are not considered private under Washington State Law.

Department members shall document any decision to not activate the BWC, or to turn off the BWC at some point during the law enforcement activity. Members shall document the facts and circumstances that contributed to the officer's decision to not record. Members shall document such a decision in the CAD or by written report at the conclusion of the law enforcement activity.

#### 711.5.2 ADVISEMENT / NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

As soon as practicable, members shall verbally notify individuals that they are being audio and video recorded using a BWC in the following circumstances (RCW 9.73.090):

- (a) During an arrest, including the reading of *Miranda* rights, and subsequent transport.
- (b) During a traffic stop, or other encounter, simultaneously recorded by BWC and an in-car camera system.

Members shall inform subjects who are in custody they are being audio and video recorded prior to a custodial interrogation. Custodial interrogations shall be recorded in their entirety for felony crimes and for juvenile subjects, including *Miranda* advisement and the waiver of any rights by an individual.



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Members shall ensure the announcement is recorded except pursuant to a warrant; when the communication is of an emergency nature; when the communication conveys threats of extortion, blackmail, bodily harm, or other unlawful requests or demands; or when the communication relates to communications by a hostage holder or barricaded subject (RCW 9.73.030).

Consideration should be given to individuals with limited English proficiency and/or persons with disabilities (RCW 10.109.010, the POSPD **Limited English Proficiency Services** Policy, and the POSPD **American with Disabilities Act (ADA) Compliance** Policy).

#### 711.5.3 PRIVACY CONSIDERATIONS

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of the Department, regardless of ownership of the device it was made on, shall remain the property of the Port of Seattle Police Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officers.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the officer should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the Department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

#### 711.5.4 EXPLOSIVE DEVICE

Many BWCs emit radio waves that could trigger an explosive device. Preferably, BWCs should not be used where an explosive device may be present. However, if a BWC is present in a dynamic situation involving a confirmed or suspected explosive device, then the BWC should be left in the state it is in (left on, if on; left off, if off).

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#### 711.5.5 LIVESTREAMING, VIDEO RECALL, AND AUDIO RECALL

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time.

Livestreaming shall only be activated when approved by the Chief of Police or designee and only under the following circumstances:

- (a) For purposes of safety when the member is not responding to their radio or department issued cell phone or there is some indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant / critical incident.
- (c) When requested by the member.

Video recall enables Axon BWCs to capture audio and video evidence at a lower resolution (480 DP) when the camera is not actively recording. The function provides the user the ability to retrieve/recall evidence from a period within the previous 18 hours of active camera use in the event the camera was not recording during a critical incident. Video recall will only be used when approved by the Chief of Police or designee for critical incidents (e.g., officer involved shooting, serious bodily injury, death to a person, or allegations of serious misconduct).

Although the Axon BWC system has the ability for audio recall, this function will not be activated by the department or used at this time. Enabling the audio portion of the video recall will be revisited after the BWCs have been in service for one year.

#### 711.5.6 DOCUMENTATION (CALEA 41.3.10A)

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document (RCW 10.109.010):

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event or video recall was utilized for review, the reason for the use of livestreaming or video recall, and the members who communicated or participated in the event through BWC livestreaming or video recall review.

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#### **711.6 UPLOADING BWC MEDIA (CALEA 41.3.8)**

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable.

Members unable to categorize BWC footage prior to the end of their shift shall notify a supervisor prior to securing at the end of shift, and shall complete categorization at the beginning of their next regular or overtime shift, whichever occurs first. Video footage shall be downloaded prior to going on days off.

If a member is involved in a shooting, other serious use of force, and/or is suspected of wrongdoing that requires immediate relinquishment of the member's police powers, an uninvolved supervisor on-scene will take physical custody of the BWC. This will occur out of public view when practicable. The uninvolved supervisor will be responsible for uploading the data from the involved member's BWC. When a member uses deadly force, the investigating agency may supervise the uploading of the BWC recordings.

##### **711.6.1 TAGGING BWC MEDIA**

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible.

BWC media depicting sensitive circumstances should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim, or witness has requested non-disclosure.
- (c) A complainant, victim, or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (h) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (i) When a firearm discharge or use of force incident has occurred.
- (j) An event that has attracted or is likely to attract significant media attention.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording. Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute

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in any manner BWC recordings without prior written authorization and approval of the Chief of Police or their designee.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

#### **711.7 BWC MEDIA (CALEA 41.3.8)**

All BWC media is the sole property of the Port of Seattle Police Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

##### **711.7.1 ACCESS, REVIEW, AND USE OF BWC MEDIA (CALEA 41.3.8C, 41.3.10A, 41.3.10B, 41.3.10C)**

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the **Information Technology Use** Policy.

BWC media will not be reviewed randomly unless it meets one of the criteria regarding use for training and accreditation purposes listed below in items (e.) and/or (f.). BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report. Members should not use the fact that a recording was made as a reason to write a less detailed report.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct of any employee utilizing a BWC. Supervisors may conduct a review of a specific incident when justification for such review can be clearly articulated. Supervisory review of recordings

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shall not be arbitrary or capricious, and supervisory BWC queries will not be routinely or randomly used to monitor member performance. However, supervisors should conduct a quarterly review of a random sampling of BWC media when provided by Axon's automated random review process to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial.

- (f) The BWC Coordinator and Office of Professional Development (OPD) Sergeant are permitted to access and view BWC media for training purposes.
  - 1. The BWC Coordinator and/or OPD Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. In coordination with the BWC Coordinator and/or OPD Sergeant, BWC Review Committee Members may review BWC media, provided by the BWC Coordinator and/or OPD Sergeant, as part of their review to identify training needs.
  - 2. The BWC Coordinator and/or OPD Sergeant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The BWC Coordinator and/or OPD Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Records Manager and Police Records Specialist may access BWC media when necessary to conduct department-related duties.
- (h) The BWC Coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

Recorded files may also be reviewed:

- (a) By a supervisor for the purpose of conducting a Blue Team administrative review, investigating a specific act of officer conduct alleged in a complaint of misconduct, and for use with training and mentoring.
- (b) By the Office of Professional Accountability (OPA) for the purpose of conducting a Blue Team administrative review and/or investigating a specific act of officer conduct alleged in a complaint of misconduct.
- (c) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (d) In compliance with the Public Records Act (RCW 42.56), Washington State Law Enforcement Records Retention Schedule, and the POSPD **Records Maintenance and Release (CALEA 82.1.1)** Policy.
- (e) Review of incidents that adhere to mandatory review or reporting per department policy. Examples include, but are not limited to, use of force or pursuits.

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- (f) By technical support staff for BWC maintenance.

The BWC review log contained within Axon will maintain a record of the user, date, time, and the reason for viewing the video (the reason will be documented in the notes section by the person accessing the video). An administrator can give permission to access the review log when necessary or when the Union makes a written request based on reasonable justification that reviews of video are being conducted outside of this policy.

#### 711.7.2 PUBLIC ACCESS AND RELEASE OF BWC MEDIA

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it depicts (RCW 42.56.050):

- (a) The interior of a private residence.
- (b) The interior of a facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) An intimate image.
- (d) A minor.
- (e) The body of a deceased person.
- (f) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010.
- (g) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

Requests for the release of BWC media shall be processed in accordance with Washington State Law (RCW 10.109.010 and RCW 42.56.240) and the ***Records Maintenance and Release (CALEA 82.1.1)*** Policy. All BWC media should be reviewed by the Chief of Police or designee prior to public release if practicable (see the ***Records Maintenance and Release (CALEA 82.1.1)***). The Port of Seattle Police Department will make best efforts to provide an involved officer with advance notice of the release of video from a high-visibility interaction with a member of the public (e.g. use of force). Redaction of recordings will be paid for by the requestor at the current rate established by the Port of Seattle (see the ***Records Request Handling and Collection of Fees*** Section of the POSPD ***Records Maintenance and Release (CALEA 82.1.1)*** Policy).

#### 711.7.3 EVIDENTIARY BWC MEDIA (CALEA 41.3.8D)

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the ***Property and Evidence*** Policy).

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#### **711.8 RETENTION OF BWC MEDIA (CALEA 41.3.8D)**

All BWC media shall be retained in accordance with the guidelines set forth in the Washington State Records Retention Schedule (pursuant to the **Records Retention** Section of the POSPD **Records Maintenance and Release (CALEA 82.1.1)** Policy).

- (a) Recordings related to internal investigations shall be transferred to a format compatible with Blue Team and made part of the file.
- (b) Recordings labeled as evidentiary shall be retained on the secure data server until all trial and appellate litigation has been completed.
- (c) Recordings deemed non-evidentiary and/or not related to a case shall be retained in accordance with state records retention laws but in no event for a period of less than 60 days (RCW 42.56.240), unless retained longer by a Commander, Deputy Chief of Police, or Chief of Police. Examples of reasons for retaining recordings are as follows: for training, pursuant to an administrative or internal review, or a recording of a significant event.
- (d) Recordings redacted for a public disclosure request shall be retained for 24 months after the request is closed or for the duration of any litigation hold and/or litigation.
- (e) In the event of an accidental activation of a BWC by a member which results in a recording not perceived to be of investigative or evidentiary value the involved member may request that specific BWC recording be deleted by submitting a written request via chain of command to the corresponding Commander.
- (f) All retention of recordings outside the parameters identified in this section shall be approved by the Chief of Police.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

#### **711.9 TRAINING (CALEA 41.3.8F)**

The BWC Coordinator and Office of Professional Development (OPD) Sergeant should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include (RCW 10.109.010):

- (a) Department Policy on BWCs.
- (b) Proper use of the BWC device and accessories.
- (c) When BWC activation is required, permitted, and prohibited.
- (d) How and when an individual should be informed of being recorded, including methods for communicating with persons with hearing disabilities or limited English proficiency.
- (e) How to respond to an individual's reluctance to being recorded or request to stop recording.
- (f) Proper use of the BWC media systems, including uploading and tagging procedures.
- (g) Security procedures for BWC media, including appropriate access and use.

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- (h) Scenario based exercises replicating situations that officers may encounter.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

#### **711.10 BWC REVIEW COMMITTEE**

The BWC program shall be subject to ongoing review and evaluation by the Port of Seattle Police Department. The Chief of Police shall designate a committee to serve as the Body-Worn Audio/Video Camera (BWC) Review Committee. The BWC Review Committee shall convene annually to review the BWC program, to review the BWC Policy, and to make recommendations for the Chief's consideration. The BWC Review Committee shall include the BWC Coordinator, the Police Records Manager and representation from each of the following entities: a Commander, a Sergeant, an Officer, a current member of the Office of Professional Standards (OPS), a current member of the Office of Professional Development (OPD), and a representative from each of the collective bargaining units.

#### **711.11 ACTIVATION AMNESTY**

Recognizing the need to ensure officers have an opportunity to become familiar with their BWC, the first sixteen (16) straight time uniformed shifts after officers are initially assigned to wear a BWC shall be considered an amnesty period. During the amnesty period, no officer will be subject to discipline for failing to activate a camera for any reason unless there is a willful and intentional pattern of non-compliance. Evidence of a failure to activate a BWC during the amnesty period shall not be used or considered for performance evaluations or discipline after this amnesty period. An amnesty period of eight (8) shifts will apply any time an officer is reassigned from an assignment without a BWC for a period of six (6) months or more, and then returns to an assignment with a BWC. Officers in assignments without a BWC who work extra shifts on assignments with a BWC will not be subject to discipline for an unintentional failure to activate the BWC if they have not worked a uniformed shift within the last six (6) months.



# Department Badges, Patches, and Special Unit Coins

## 712.1 PURPOSE AND SCOPE

The Port of Seattle Police Department badge, uniform patch, and special unit coins as well as the likeness of these items and the name of the Port of Seattle Police Department are the property of the department and their use shall be restricted as set forth in this policy.

## 712.2 POLICY

A uniform and flat badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

### 712.2.1 BADGE PERSONAL PURCHASE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet or uniform badge. The use of the personally owned badge is subject to all the same provisions of departmental policy as issued badges.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Port of Seattle Police Department with the written approval of the Chief of Police.
- (b) Should the personally owned badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

### 712.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Police Specialist, Communications Specialist).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on-duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 712.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may be issued a retirement badge.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Department Badges, Patches, and Special Unit Coins*

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#### **712.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch, special unit coin, or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch, special unit coin, 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.

#### **712.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge, patch, and special unit coin shall not be used without the expressed authorization of the Chief of Police.

The likeness of the department badge, patch, and special unit coin for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

All special unit coins shall be approved by the Chief of Police.

## Department Owned and Personal Property

### 713.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 713.2 ISSUE, CARE AND REPLACEMENT OF DEPARTMENT PROPERTY (CALEA 17.5.2)

#### 713.2.1 INITIAL ISSUE OF UNIFORMS AND EQUIPMENT

A Port of Seattle Police Department Uniform / Equipment Inventory form will be generated by Fleet and Supply and used for all uniforms and equipment that are being initially issued to a new officer or officers starting a new assignment.

Recruit officers assigned to the Academy will sign an "Issuance of Department Service Weapon" form prior to being issued a weapon for Academy training purposes.

#### 713.2.2 CARE 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 including, but not limited to the cost of repair or replacement.

- (a) 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.
- (b) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (c) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (d) 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.

#### 713.2.3 REPLACEMENT OF ISSUED UNIFORMS AND EQUIPMENT

Employees shall promptly report through their chain of command and to Fleet and Supply, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use. Members shall follow the Port of Seattle Loss Prevention protocols as set forth in Port Policy EX-7.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Department Owned and Personal Property*

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An electronic Equipment Request form is required for all requested replacement of uniforms and equipment due to wear and tear, loss, or damage. Officers in need of replacement uniforms, uniform parts, and / or equipment shall email an electronic copy of an Equipment Request form to Fleet and Supply and submit the uniform part or piece of equipment that is being replaced. Fleet and Supply will not issue replacement uniform parts or equipment without the submission of an Equipment Request form and the item needing to be replaced.

When issued weapons are returned, they shall be inspected by a department armorer for safety, functionality, and appropriateness for re-issuance.

#### **713.3 AMMUNITION - PROCUREMENT, RECEIPT OF ORDERS, STORAGE AND INVENTORY, AND ISSUANCE (RE: POS POLICY AC-14)**

For purposes of this policy, unless otherwise defined, "ammunition" shall include both, conventional, live ammunition for use in firearms and Non-Lethal Training Ammunition (NLTA) such as UTM brand marking cartridges and blanks.

##### **713.3.1 AMMUNITION - PROCUREMENT**

To maintain segregation of responsibilities, all department ammunition purchase requests will be written-up by the Department Rangemaster and routed to the Firearms Program Manager for approval. The Department Rangemaster will complete a Fleet and Supply Order Form detailing the ammunition type, quantity, and vendor, then the Firearms Program Manager will review and approve. The Department Rangemaster or Firearms Program Manager will then submit the form to Fleet and Supply for processing. Fleet and Supply will conduct the actual purchase transaction with the vendor.

##### **713.3.2 AMMUNITION - RECEIPT OF ORDERS**

Department ammunition shipments are received only by Fleet and Supply or the Department Rangemaster. Deliveries are documented based on shipper generated Bills of Lading and other vendor supplied documents (e.g. invoices) which are maintained by Fleet and Supply.

Once Fleet and Supply and/or the Department Rangemaster has reconciled received ammunition with order form and shipment documentation, the Department Rangemaster and/or Fleet and Supply will place live ammunition into the Ammunition Holding Area (AHA) and NLTA into the designated storage area.

All ammunition entering the AHA is redundantly documented by the Department Rangemaster using the *ArmorerLink* program. This program documents date of receipt, caliber, type, and quantity of the live ammunition.

##### **713.3.3 AMMUNITION - STORAGE AND INVENTORY**

Conventional, live ammunition is securely stored in the AHA. Only Fleet and Supply, the Department Rangemaster, SWAT Rangemaster, Chiefs, and Commanders have access to the AHA.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Department Owned and Personal Property*

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NLTA is securely stored separate from live ammunition by the Office of Professional Development. Only the Department Rangemaster and Professional Development Sergeant have access to the NLTA storage area.

All ammunition leaving the AHA is issued or transferred using the *ArmorerLink* program. This program documents date, caliber, type, quantity, whom issued to, and issuer of the ammunition.

All ammunition leaving the NLTA storage area is logged out on the Ammunition Log Form. This form documents date, caliber, type, quantity, whom issued to, use, and issuer of the NLTA. All completed Ammunition Log Forms are archived by the Department Rangemaster for future reference. TA storage area is logged out on the Ammunition Log Form. This form documents date, caliber, type, quantity, whom issued to, use, and issuer of the NLTA. All completed Ammunition Log Forms are archived by the Department Rangemaster for future reference.

The Department Rangemaster and Fleet and Supply will conduct routine inventories of the AHA, comparing quantity of ammunition on shelves with *ArmorerLink* records.

The Professional Development Sergeant will conduct routine inventories of the NLTA storage areas, comparing quantity of ammunition on shelves with what has been logged in and out on Ammunition Log Forms.

#### 713.3.4 AMMUNITION - ISSUANCE

The Department Rangemaster is responsible for maintaining the Department's ammunition inventory. All requests for issuing of ammunition will be submitted via email to the Department Rangemaster. In the absence of the Department Rangemaster, the Firearms Program Manager or the Fleet and Supply Officer may issue ammunition when requested via email. An email notification will be made to the Department Rangemaster for tracking purposes, including who the ammunition was distributed to and the quantity of ammunition distributed. These email requests are saved along with *ArmorerLink* data as part of the Department's ammunition inventory record keeping system. Based on ammunition stock on-hand and qualification and firearms training needs forecasts, the Department Rangemaster will coordinate with the requestor for issuance of the requested ammunition and/or with Fleet and Supply to place an order.

#### **713.4 FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage or loss of personal property should be made by the officer via memo through the chain of command. This memo is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate division commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

All claims subject to applicable limitations in the employee's respective Collective Bargaining Agreement.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Department Owned and Personal Property*

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Accounting Department.

The department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **713.4.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **713.5 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **713.5.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the Port, 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 commander.

#### **713.6 AGENCY PROPERTY - OPERATIONAL READINESS (CALEA 17.5.2)**

Divisional commanders and department managers or their designees are responsible to ensure that stored, agency-owned property assigned within their areas of responsibility is maintained in a state of operational readiness. All officers are responsible to ensure that equipment assigned to them is maintained in a state of operational readiness.

To ensure operational readiness of necessary equipment, the division commander or designee for each of the following entities shall conduct, at minimum, a semi-annual inspection of stored equipment within his or her areas of responsibility. Results of each inspection, inclusive of any found deficiencies and corrective measures taken, shall be forwarded to the applicable bureau chief.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Department Owned and Personal Property*

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- SWAT
- Crowd Management Unit
- Crisis Communications Unit
- Bomb Disposal Unit
- Dive Team
- Boat Team
- Patrol (STIA and Waterfront based)
- Property and Evidence
- CID
- Communications Center
- Fleet and Supply

Operational Readiness shall mean that such equipment receives the appropriate care, cleaning, preventative maintenance and repair required to be immediately available and functioning properly.

## Mobile Data Computers

### 714.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Communications Center. See the ***CJIS Access, Maintenance, and Security*** Policy for additional guidance.

#### 714.1.1 DEFINITIONS

**Mobile Data Computer (MDC)** - A computerized communication device installed in vehicles, particularly in law enforcement and emergency response vehicles, to facilitate communication and data exchange between field units and the Communications Center. MDCs typically allow field units to access information, send and receive messages, and manage an assortment of tasks while on the move, thus enhancing efficiency and situational awareness. The term MDC is often used synonymously with the term Mobile Data Terminal (MDT) which is a term typically associated with the predecessor of the MDC from an earlier and more simplistic technology.

### 714.2 POLICY

Port of Seattle Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### 714.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the POSPD ***Information Technology Use*** Policy for additional guidance).

### 714.4 RESTRICTED ACCESS AND USE

MDC use is subject to the POSPD ***Information Technology Use*** and ***Protected Information*** Policies and all other applicable Port policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.



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## Port of Seattle PD Policy Manual

### *Mobile Data Computers*

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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 MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### **714.4.1 USE WHILE DRIVING**

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **714.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the on-duty supervisor or other department-established protocol, all calls for service assigned by the Communications Center should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC 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 Communications Specialist.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

#### **714.5.1 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 MDC 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 MDC.

#### **714.5.2 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 is notified of the incident without delay.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Mobile Data Computers*

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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.

#### **714.6 EQUIPMENT CONSIDERATIONS**

##### **714.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the Communications Center to document all information that will then be transmitted verbally over the police radio.

##### **714.6.2 BOMB CALLS**

When responding to reports of possible bombs, members will turn off their MDC's. Operating the MDC may cause some devices to detonate. If the officer is already in the vicinity of the bomb when notified of the threat it is recommended that the officer not change the status of the MDC (i.e.; If the MDC is already on, leave it on).

## Personal Communication Devices

### 715.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (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.

### 715.2 POLICY

The Port of Seattle Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 715.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 715.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the department may, at its discretion, issue a PCD for the member's use to facilitate Department business. Such devices and the associated telephone number, if any, shall remain the sole property of the department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Department-issued PCDs may be used to conduct official Department business either on- or off-duty. A member may take the PCD home after their tour of duty to facilitate emergency contact or other work-related communication needs. The PCD may remain turned on and accessible for such purposes, unless otherwise directed. Unless an employee is on call or on standby, per the

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Personal Communication Devices*

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CBA, they are not expected or encouraged to check emails or conduct other Department business outside of normal shift hours. Personal use remains subject to department guidelines.

#### **715.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) The department accepts no responsibility for loss of or damage to a personally owned PCD.
- (b) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (c) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
  - (a) Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (d) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the department, without the express authorization of the Chief of Police or the authorized designee.
- (e) Use of a personally owned PCD for work-related business constitutes consent for the department to access the PCD to inspect and copy data to meet the needs of the department, which may include litigation, public records retention and release obligations and internal investigations.
- (f) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Port of Seattle Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation.

#### **715.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Personal Communication Devices*

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- (a) A PCD shall not be carried in a manner allowing it to be visible while in uniform, unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (d) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (e) Members will not access social networking sites for any purpose that is not official department business.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **715.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

#### **715.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### **715.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Personal Communication Devices*

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is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

## Seat Belts

### 716.1 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 Restraint*** Policies.

#### 716.1.1 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).

### 716.2 POLICY

It is the policy of the Port of Seattle Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 716.3 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.

### 716.4 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.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Seat Belts*

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#### **716.5 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.

#### **716.6 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.

#### **716.7 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.



# Uniform Regulations

## 717.1 PURPOSE AND SCOPE

The uniform policy of the Port of Seattle 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

All uniforms and equipment items shall be determined by the Chief of Police or their designee.

Detailed uniform and equipment specifications shall be maintained by Fleet and Supply.

Unless directed otherwise, officers still in possession of previously authorized, serviceable uniforms, may continue utilizing those uniforms until they are no longer serviceable.

### 717.1.1 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).

## 717.2 POLICY

The Port of Seattle 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.

## 717.3 UNIFORM OF THE DAY

Based on operational needs a, "uniform of the day" may be selected which is most suitable to the mission at hand. Some occasions where a uniform of the day may be imposed include, but are not limited to:

- Pre-planned media and high-visibility public events.
- Dignitary escorts.
- Funerals or other special events.

The uniform of the day may be authorized by an on-duty shift supervisor.

# Port of Seattle Police Department

## Port of Seattle PD Policy Manual

### *Uniform Regulations*

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#### **717.4 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 if applicable/appropriate, appear professionally pressed.
- (b) All officers of this department shall possess and maintain at all times, a serviceable Class A and Class B uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Officers and sergeants shall be issued nylon duty gear for all usage. Officers and sergeants having existing leather gear may wear it until no longer serviceable (or directed otherwise). Once leather gear is no longer serviceable it will be replaced by nylon duty gear.
- (e) Officers and sergeants shall wear silver/nickel finish buttons and buckles with leather gear.
- (f) Commanders and above will be issued both, nylon and leather duty gear—leather duty gear for wear with the Class A and modified Class A uniforms.
- (g) Commanders and above will wear gold finish buttons and buckles with leather gear.
- (h) Leather duty gear finish - the only authorized type of finish on leather gear used for field duty purposes is the, "basket weave" pattern. Honor Guard members may have issued high-gloss finish leather gear for ceremonial use.
- (i) Nylon and leather duty gear will not be worn in combination (e.g., mixing nylon and leather items on duty belt).
- (j) Differing uniform materials, such as micro-fiber or wool will not be worn in combination.
- (k) Uniformed officers wearing a Class B or specialty utility-type uniforms (e.g., jumpsuit), are authorized to wear a department issued baseball style cap. When worn, the baseball cap's bill will be positioned pointed forward and parallel to the ground. The baseball cap will be clean and free of dirt and grime. Specifications for the department issued baseball cap shall be maintained by Fleet and Supply.
- (l) All uniformed officers shall carry handcuffs in a purpose designed handcuff case. Handcuffs may not be, "looped around" or otherwise carried attached with a belt keeper to the duty belt or trousers. No more than two sets of handcuffs may be carried on the duty belt.
- (m) All uniformed officers shall carry or have readily accessible an authorized flashlight.
- (n) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

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- (o) Civilian attire shall not be worn in combination with any distinguishable part of the uniform, unless under special circumstances (e.g., training, raid jackets, call-out situations, etc.).
- (p) 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.
- (q) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (r) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants unless at department sanctioned functions, as authorized by the Chief of Police or their designee.
- (s) Mirrored sunglasses will not be worn with any department uniform.
- (t) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized in policy §1044 or otherwise by the Chief of Police or their designee.
  - 1. Wrist watch
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
  - 3. Medical alert bracelet.
  - 4. Earrings (females only).

#### 717.4.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

#### 717.4.2 UNIFORM AND EQUIPMENT REPLACEMENT

It is the intent of the department to ensure all commissioned personnel are provided an adequate supply of uniforms, which are to be replaced when they are no longer of proper fit or serviceability.

When uniforms, boots, or other duty-gear are no longer serviceable, personnel shall submit a request for replacement to Fleet and Supply, and shall turn in the items that are no longer serviceable. Fleet and Supply will dispose of unserviceable uniform items in accordance with Port of Seattle policy.

### **717.5 UNIFORM CLASSES AND TYPES**

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#### 717.5.1 CLASS A UNIFORM

All officers will possess and maintain a serviceable Class A uniform at all times.

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel.

The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie and tie clip.
- (b) Polished shoes or boots - only shined black smooth leather boots or shoes or patent leather footwear is authorized for wear with the Class A uniform.
- (c) Boots with pointed toes or tactical-type textured or suede boots are not permitted.
- (d) Regulation pin-on name plate and pin-on badge.
- (e) Regulation dress eight-point cover (hat) - specifications maintained by Fleet and Supply.
- (f) Duty gear for Class A uniform shall be nylon or leather for officers and sergeants, and leather for commissioned personnel the rank of commander and above.
- (g) Time-in-service hash marks will be worn on all long sleeve shirts used as part of the Class A uniform, as mandated by Fleet and Supply.

#### 717.5.2 MODIFIED CLASS A UNIFORM

A modified Class A uniform consists of the standard issued Class A uniform without the tie and the collar open. All shirt buttons must remain buttoned except for the last button at the neck. The modified Class A may be worn during regularly assigned duties or when designated as the uniform of the day.

#### 717.5.3 COMMAND DRESS UNIFORM

The Command Dress uniform may be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Command dress uniform is required for all sworn personnel with the rank of Commander and above. The Command Dress Uniform includes the following, with specifications maintained by Fleet and Supply:

- (a) Long sleeve, white button down shirt with tie and tie clip (no shoulder patch).
- (b) Navy jacket/ blouse.
- (c) Polished shoes or boots (plain toe).
- (d) Regulation pin-on name plate and pin-on badge.
- (e) Regulation dress hat of specifications maintained by Fleet and Supply (optional).
- (f) Rank shall be designated by pin on insignia affixed to the jacket epaulettes.
- (g) Years of service shall be designated by sew-on service stars worn on the left sleeve. One star shall represent five years of completed, commissioned law enforcement service.

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#### 717.5.4 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. A patrol jumpsuit does not qualify as a Class B uniform.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A navy blue or black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform:
  - 1. Approved all black unpolished shoes may be worn.
  - 2. Boots with pointed toes are not permitted.
- (e) Jumpsuits are an optional patrol uniform. In lieu of one set of Class B uniform pants and shirt, an officer may opt for a department-issued jumpsuit. Jumpsuit specifications are maintained by Fleet and Supply.
- (f) Uniformed employees generally have option of wearing either the long or short-sleeved shirt or jumpsuit throughout the year.

Tactical-type textured or suede boots are permitted with the Class B uniform, unless otherwise directed by the uniform of the day. If tactical boots are worn, they must be clean, blackened, free from scuff marks, dirt and grime. If smooth leather boots are worn, they must be blackened, at a minimum buffed (preferably shined) and free from scuffs, dirt and grime. Athletic shoes that are all black, smooth leather, clean and polished are also acceptable with Class B uniforms or jumpsuits. Footwear resembling a sneaker or sports shoe more than a duty boot are prohibited, outside of special authorization by the officer's division commander.

#### 717.5.5 CLASS C (SUMMER) UNIFORM

The Class C uniform is authorized to allow field personnel cooler clothing during the summer months or while performing other special details.

The specifications for the Summer Uniform are:

- (a) Department approved navy blue shorts and navy blue Class B uniform shirt (exact specifications available through the Fleet and Supply Officer).
- (b) The authorized summer uniform shirt shall feature:
  - 1. Department shoulder patches.
  - 2. Embroidered cloth badge above left pocket.
  - 3. Embroidered nametag with rank insignia as applicable (exact specifications available through the Fleet and Supply Officer).
  - 4. Plain black low top shoes (no obvious striping or logo).

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5. Plain black socks (no logo or pattern) which are pulled up no further than three inches above the top edge of the shoe.

#### 717.5.6 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol and other specialized assignments. Specifications for specialized uniforms shall be maintained by Fleet and Supply.

#### 717.5.7 INCLEMENT WEATHER UNIFORM GEAR

Specifications for the authorized uniform jacket and rain gear are maintained by Fleet and Supply.

#### 717.5.8 PERSONAL FLOTATION DEVICES (PFDS)

Officers engaged in routine patrol activities on docks, floats, piers, and vessel slips, shall wear the department-issued PFD.

Officers engaged in emergency response to observed or suspected crimes in progress where a timely enforcement response is needed are not required to wear a PFD. As time permits, and based on circumstances, the wearing of a PFD anywhere near the water is highly encouraged.

Officers assigned to the waterfront jurisdiction shall inspect PFDs for serviceability utilizing the Readiness Checklist and proper fit sizing prior to beginning their assignment. PFDs identified as being unserviceable will immediately be removed from service and submitted to Fleet and Supply for exchange/repair.

#### 717.5.9 UNIFORM EXTERNAL BODY ARMOR CARRIER

The issued/authorized uniform external body armor carrier has a black in color nylon-synthetic body shell, with black nylon attachment webbing, and utilizes purpose built, black colored, synthetic-nylon pouches (detailed specifications are maintained by Fleet and Supply).

The external body armor carrier may be worn with issued, authorized/required equipment, as designated below:

- (a) Ballistic (soft) body armor panels will be placed inside the carrier. Optionally, plate (hard) armor may also be placed inside the carrier.
- (b) The uniform metallic badge will be affixed to the external body armor carrier.
- (c) The duty handgun and duty holster will remain on the duty belt.
- (d) Placement of the exact duty equipment location will be at the discretion of the officer wearing the carrier with the following understanding: The placement of any equipment shall not interfere with the drawing, re-holstering or reloading of the duty handgun or otherwise be detrimental to officer safety, preventing access to other equipment and/or exhibiting an unprofessional appearance. Equipment shall not be placed on the back of the carrier with the exception of police identifying markers.
- (e) The external body armor carrier will be kept clean, free of dirt and grime.
- (f) The carrier may be removed while inside the police station and out of publically accessible areas (e.g. during lunch in patrol breakroom). At no time will officers who

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chose to temporarily remove the carrier, contact members of the public. The carrier will be re-donned and fully operational prior to departing the police station.

#### **717.6 INSIGNIA AND PATCHES**

- (a) Shoulder patches - The authorized shoulder patch supplied by the department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. Each stripe will represent three years of commissioned, general authority law enforcement service within the United States, as defined by RCW 10.93.020. Limited authority, volunteer, corrections or military police service does not qualify and shall not be reflected by service hash marks.
- (c) Service stripes shall be worn on the Class A and modified Class A uniform, and may be worn on all other long sleeve uniform shirts. White/gray hash marks will be worn by officers and sergeants, and gold hash marks will be worn by commanders and above.
- (d) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The regulation pin-on nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial(s) of the first name will accompany the last name. The regulation pin-on name plate shall be worn on the Class A and modified Class A uniform. The employee's initial(s) of their first name accompanied by their last name are authorized on the sew-on cloth nameplate. The sew-on name plate shall be worn on all uniforms other than the Class A and modified Class A uniform. Nameplates 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, PTO, K9, etc.) may be worn as designated by the Chief of Police. Assignment insignia shall be worn centered above the name plate. No more than one assignment insignia shall be worn at a time.
- (g) Awards - Department award bars (to include Expert or Master marksmanship awards) shall be worn centered above the name plate (or if assignment insignia is also being worn, centered above the assignment insignia). Multiple award bars may be worn centered above each other.
- (h) Flag pin - A flag pin may be worn, centered above the nameplate (or assignment insignia or award bars).
- (i) Badge - The department issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform. The department issued metal badge

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shall be worn on the Class A and modified Class A uniforms and external body armor carrier. The authorized sew-on badge shall be worn on all other uniforms.

- (j) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. Specifications for the positioning of such insignia will be maintained by Fleet and Supply. The Chief of Police may authorize exceptions.

#### **717.6.1 MOURNING BADGE**

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

#### **717.7 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 (to include, "Dockers" and 5.11 style) 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 (to include, "Dockers" and 5.11 style), shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.



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- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Port of Seattle Police Department or the morale of the employees.
- (g) Jeans may be worn in administrative or investigative capacities upon approval by the respective division commander under certain circumstances (e.g., "casual Fridays", or working in an environment where manual labor is likely). The jeans must be clean, free from holes or defects, of a conservative fit and a single color (not multiple colors).

#### **717.7.1 TRAINING/CASUAL UNIFORM POLO SHIRT**

The department issues a polo style shirt for optional wear by employees engaged in non-first responder, administrative duties and by members of Special Units/Other Programs or for personnel serving in Special Assignments. The quantity of issue and specifications of the polo shirt are approved by the Chief of Police or designee and available through Fleet and Supply.

#### **717.8 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Port of Seattle 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 Port of Seattle 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.

#### **717.9 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

- (a) Optional uniform and/or equipment items 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 optional items 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

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replacement of damaged personal property (see the POSPD **Department Owned and Personal Property** Policy).

#### **717.10 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Port of Seattle Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized per policy or by the Chief of Police or designee.

Port of Seattle Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized per policy or by the Chief of Police or designee.

# Unmanned Aerial Systems (UAS)

## 718.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 718.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - Commonly referred to as a drone, 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.

## 718.2 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. Only department authorized operators may deploy department authorized UAS.

## 718.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### 718.3.1 AUTHORIZED DEPARTMENT USE

Only authorized POSPD UAS Operators who have completed the required department training shall be permitted to operate POSPD UAS and POSPD FEMA Grant Funded UAS.

Authorized use of POSPD UAS shall be limited in scope to the following operations:

1. active shooter rapid response;
2. anti-terrorism / counterterrorism preparedness, protection, prevention, response, recovery, or relief;
3. barricaded subject;
4. bomb disposal;
5. crime scene investigation;
6. crowd management response, particularly events that affect continuity of operations;

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7. disaster-related emergencies;
8. hostage scenarios;
9. search and recovery;
10. search and rescue;
11. suspicious circumstances, items, persons, and/or vehicles;
12. training;
13. unforeseen emergency incidents; and
14. warrant service.

Authorized use of POSPD Federal Emergency Management Agency (FEMA) Grant Funded UAS shall be limited in scope to the following operations:

1. active shooter rapid response;
2. anti-terrorism preparedness, protection, prevention, response, recovery, or relief;
3. disaster-related emergencies;
4. hostage scenarios;
5. search and rescue or recovery; and
6. training.

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.

#### 718.3.2 DATA COLLECTION

The POSPD shall only collect information using UAS, or use UAS collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.

#### 718.3.3 DISSEMINATION OF COLLECTED INFORMATION

UAS collected information not maintained in the POSPD records management system (RMS) but covered by the Privacy Act (5 USC § 552a) shall not be disseminated unless dissemination is required by law, or fulfills an authorized purpose and complies with POSPD requirements.

#### 718.3.4 PERSONALLY IDENTIFIABLE INFORMATION (PII) RETENTION

Information collected using UAS that may contain PII shall not be retained for more than 180 days (per FEMA) unless retention of the information is determined to be necessary to an authorized call for service, is maintained in a system of records covered by the Privacy Act (5 USC § 552a), or is required to be retained for a longer period of time by the ***Washington State Records Retention Schedule Guidelines*** or another applicable law or regulation.

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#### **718.4 CIVIL RIGHTS AND CIVIL LIBERTIES / PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The POSPD UAS **shall not be weaponized**.

POSPD UAS deployments shall be performed in a manner consistent with federal and state constitutions; federal and state law; federal and state executive orders and directives; and FAA Regulations.

Complaints regarding POSPD UAS and/or POSPD UAS Operators will be addressed according to the **Personnel Complaints** Policy.

#### **718.5 ACCOUNTABILITY**

UAS program oversight will be conducted per the **Program Coordinator** Section of this Policy. POSPD Bomb Disposal Unit (BDU), Dive Team, Marine Patrol Unit (MPU), and Special Weapons and Tactics (SWAT) Sergeants will complete semi-annual operational readiness inspections to inventory all stored equipment, including UAS, per Commission on Accreditation of Law Enforcement Agencies (CALEA) Standard 17.5.2.

Personnel involved in the UAS program will conduct themselves in a way that is consistent with the POSPD Guiding Principles: Leadership, Integrity, and Accountability. Furthermore, personnel involved in the UAS program will adhere to federal and state rules and regulations for UAS.

Supervision of personnel involved in the UAS program in the field will be conducted on-site or remotely by either a Special Team (BDU, Dive Team, MPU, or SWAT) Sergeant or an on-duty Patrol Sergeant.

Misuse and abuse of UAS data will be investigated by the Office of Professional Accountability (OPA) consistently with POSPD **Personnel Complaints** and/or **Personnel Incident Documentation / Early Intervention System** Policy.

Data sharing and records management will be conducted consistently with POSPD **Records** Policy and the *Washington State Law Enforcement Records Retention Schedule*.

Mutual aid requests will be resolved via the POSPD **Mutual Aid** Policy.

#### **718.6 TRANSPARENCY**

The Chief of Police, POSPD Public Information Officer (PIO), and/or POSPD UAS Coordinator will facilitate **public notice** regarding POSPD UAS activity as follows:

- (a) Upon initiation or disbanding of the POSPD UAS Program,

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- (b) Regarding planned operations, and
- (c) annual reporting.

#### **718.7 PROGRAM COORDINATOR**

The Chief of Police or designee will be the UAS 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.
- 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.

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- 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.

#### **718.8 RETENTION OF DATA**

Data collected by the UAS shall be retained as established in the ***Records Retention*** Section of the ***Records Maintenance and Release (CALEA 82.1.1)*** Policy per ***Washington State Records Retention Schedule Guidelines***. This practice is consistent with the ***Personally Identifiable Information (PII) Retention*** Section of this Policy.

# Vehicle Maintenance

## 719.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

## 719.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to Fleet & Supply.

### 719.2.1 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.

### 719.2.2 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.

### 719.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 719.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 719.3.1 PATROL VEHICLES (CALEA 41.3.2)

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Rifle
- 40mm Launcher
- Road Flares
- First Aid Kit
- Gunshot Trauma Kit / IFAK
- Mega-Mover
- Fire Extinguisher



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- Blanket
- Blood-Borne Pathogen Personal Protective Equipment
- Booties
- Sharps Container
- Crime Scene Tape
- Fingerprint Kit
- Spare Tire / Jack
- Plate Ballistic Armor

If an officer determines that replacement supplies are needed, it is that officer's responsibility to ensure that the supplies are replaced. Replacement supplies are stored in cabinets located in the police parking area. Officers needing to replenish depleted patrol vehicle supplies that are not available in these cabinets should contact Fleet and Supply.

#### **719.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Road flares
- 1 First aid kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

#### **719.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

#### **719.5 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 shall advise communications before going to 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.

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#### **719.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or light-bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

# Vehicle Use

## 720.1 PURPOSE AND SCOPE

The department utilizes Port of Seattle owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure Port of Seattle owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "Port owned" as used in this section also refers to any vehicle leased or rented by the Port of Seattle. This policy supplements the Port of Seattle's Driver Safety Policy, EX-14, and Fleet Management Policy, EX-17.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the ***Transporting Persons in Custody*** Policy.

## 720.2 POLICY

The Port of Seattle 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.

## 720.3 USE OF VEHICLES

### 720.3.1 SHIFT ASSIGNED VEHICLES

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information and complete the vehicle mileage log when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Communications Center for entry of the vehicle number and enter the mileage on the vehicle log. If the employee exchanges vehicles during the shift, the new vehicle number will be provided to the Communications Center and mileage shall be entered on the vehicle log.

The on-duty supervisor shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees using Port fueling stations shall enter accurate vehicle information (e.g., vehicle number, mileage) into the fuel stand automated control center. Employees are prohibited from using another person's fuel key / code. Vehicle log books will be completed at all times by vehicle operators and updated to reflect the current operator name, date, start/end miles, and gallons of fuel.

### 720.3.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the on-duty

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supervisor. Annotation will be made on the shift assignment roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to those who are assigned to transport vehicles to and from the maintenance yard or car wash, and so forth. Evidence and Property Room personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

#### 720.3.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

#### 720.3.4 CRIMINAL INVESTIGATIONS DIVISION VEHICLES

Criminal Investigations Division personnel shall record vehicle usage via the Vehicle Mileage Log. After-hours use of Criminal Investigations Division vehicles by personnel not assigned to the Criminal Investigations Division shall be approved by a supervisor and recorded with the on-duty supervisor in CAD.

#### 720.3.5 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than Port personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### 720.3.6 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.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported. This is to ensure that unauthorized 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.

#### 720.3.7 MOBILITY DEVICE DEPLOYMENT (T3)

The department will equip and maintain T3 mobility devices to be utilized for specific assignments.

The shift supervisor may assign selected personnel to a T3 patrol, based on the following criteria:

- (a) Staffing.
- (b) Current incidents of activity in a given area, i.e., Airport Terminal, Garage, Marina, Cruise Operations, or other special events.
- (c) The member has received approved T3 training.

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Personnel using the T3 shall have successfully completed approved training on use and maintenance of the T3 prior to using the vehicle. The Professional Development Sergeant, or designee, shall be responsible for the training of personnel on the T3.

Members assigned to T3 patrol shall ensure the T3 is equipped with the necessary forms and equipment for their specific assignment. Members shall also ensure the T3 is in good working order and all lighting (headlight, taillight, brake light, emergency lights) and siren are functioning properly. If any deficiencies are discovered, the member shall immediately place the vehicle out of service and notify the Fleet and Supply Officer.

Unless necessity dictates otherwise, T3 operators should activate the headlight system when the T3 is in use.

#### **720.3.8 MOBILE DATA COMPUTER**

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

#### **720.4 PARKING**

The Port of Seattle Police Department (POSPD) has been granted special parking areas at the airport to facilitate efficient and effective operations. Police department employees should not generally receive parking privileges beyond any other Port employee unless it enhances the efficiency or effectiveness of the department.

Accessing the Airfield Operations Area (AOA) to park in front of or under the Terminal may be necessary for in-use, marked patrol car units expected to routinely provide quick response to emergencies and/or for transporting in-custody arrestees. Parking of department vehicles along the AOA is otherwise discouraged.

Marked patrol car units, not in use, should park on the first floor of the parking garage in their designated stall inside the police department parking area or if currently in use, may be temporarily parked on either the Upper or Lower Airport Drive.

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

##### **720.4.1 PARKING GARAGE CARD USE**

All POSPD employees issued a parking garage card shall use it when entering and exiting the parking garage facility. The parking garage card is for the sole use of the employee to whom it is issued and shall not be given to, or used by any other person for parking privileges.

##### **720.4.2 PERSONALLY OWNED VEHICLES**

Employees shall park their personally owned vehicles in the designated employee parking area on the first floor unless they have received approval from a supervisor to park elsewhere. Employees shall not park personally owned vehicles or motorcycles in any stall assigned to a Port owned

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vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor.

In the event a member of the Command Team drives a personally owned vehicle to work, it is permissible to park on the third floor in police management parking adjacent to the third floor jersey barriers.

#### **720.4.3 THIRD FLOOR PARKING STALLS**

The third floor parking stalls are primarily for use by the Command Team. Available third floor parking stalls may only be used by non-Command Team employees on a temporary basis when approved by a supervisor. Third floor parking is very limited and should only be approved under special circumstances, generally for no more than 24 hours. Parking should not be approved for another agency traveling on an extradition unless there are extenuating circumstances. When parking for an outside agency is approved, the Communications Center should be notified and the approval documented.

#### **720.4.4 DEPARTMENT VAN PARKING**

Department vans should not be parked on the third floor unless there is a compelling reason and it is approved by a supervisor. Vans will normally be parked in their designated stall inside the police department parking area on the first floor.

#### **720.4.5 USE OF PARKING GARAGE WHILE ON VACATION OR BUSINESS**

If traveling out-of-town for vacation or personal or work-related business, non-POSPD Command Team members will follow the Port of Seattle vacation parking request procedures and obtain approval to park personal vehicles in the designated employee parking area on the first floor of the parking garage. POSPD Command Team may utilize the third floor parking stalls to park their personally owned vehicles while traveling (see §706.4.2).

#### **720.4.6 OTHER PARKING PROHIBITED**

Free parking will not be provided on any airport properties for family or friends to avoid using the parking garage.

Parking for employees from other law enforcement agencies who are traveling will generally not be provided. Exceptions may be authorized by a supervisor for short duration parking that has a specific business need that is not met by using publicly available parking.

### **720.5 ASSIGNED VEHICLE AGREEMENT**

Port owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and a supervisor gives authorization.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

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#### **720.6 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.

Members shall ensure all weapons are secured while the vehicle is unattended.

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

Employees may take home Port of Seattle owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

- (a) Vehicles shall be locked when not attended.
- (b) All firearms and kinetic impact weapons shall be removed from the vehicle and properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home).
- (c) All department identification, portable radios and equipment should also be removed and secured.

##### **720.6.1 KEYS**

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. Members shall not duplicate keys. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

#### **720.7 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the Port of Seattle Police Department, or while off-duty, an officer should not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies). Officers must use discretion before initiating enforcement action. Such enforcement action should generally be related to a serious safety concern.

Officers driving an assigned vehicle outside of Port of Seattle Police Department jurisdiction may render public assistance when it is deemed prudent (e.g.; to a stranded motorist).

Officers driving assigned and/or take-home vehicles shall be armed at all times, appropriately attired for their intended activity, and carry their department-issued identification. 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 department.

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Officers should also ensure department radio communication capabilities are maintained to the extent feasible.

#### **720.8 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the department. Failure to adhere to these requirements may result in discipline, and as applicable, loss of vehicle assignment. The following should be performed as outlined below:

- (a) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (b) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the Port of Seattle Aviation maintenance shop. The employee will complete a Vehicle Maintenance Report explaining the service or repair, and forward to Fleet & Supply.
- (c) The Fleet & Supply Officer shall make quarterly, as well as random, inspections of all fleet vehicles.
- (d) Maintenance and inspection of special teams vehicles shall be done pursuant to the respective manual.

##### **720.8.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle by the employee.

#### **720.9 ACCIDENT DAMAGE, ABUSE, AND MISUSE**

When a Port of Seattle owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify an on-duty supervisor. The on-duty supervisor shall review Port of Seattle Policy EX 14 and Port of Seattle Policy EX 7, available on the Port of Seattle COMPASS portal under the Reference menu via the link to Policies and Procedures, to ensure proper reporting in Origami.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the Washington State Patrol should be summoned to handle the investigation.

The employee involved in the collision shall complete the Port of Seattle's Vehicle Accident form. If the employee is incapable, the on-duty supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift supervisor.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.



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#### **720.10 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on-duty, are exempt from paying the toll.

Commuting, or returning to the Port of Seattle after an emergency does not qualify for this exemption and personnel using Port of Seattle owned vehicles are subject to the toll charge. All employees operating a Port of Seattle owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge.

#### **720.11 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### **720.12 NON-SWORN MEMBER USE**

Non-sworn members using marked emergency vehicles shall ensure all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## **Chapter 8 - Support Services**

# CJIS Access, Maintenance, and Security

## 800.1 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.

### 800.1.1 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.

## 800.2 POLICY

It is the policy of the Port of Seattle 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.

## 800.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Port of Seattle 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.

### 800.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS Coordinator, which at times requires collaboration with Port Information Technology (IT) and/or Port Legal, as appropriate, include but are not limited to:

- (a) Maintaining 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.

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- (c) Coordinating 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.

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- (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.

#### **800.4 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.

#### **800.5 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.

#### **800.6 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:

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- (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.

#### **800.6.1 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.

#### **800.6.2 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.

### **800.7 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.

#### **800.7.1 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

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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.

#### **800.8 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.

#### **800.9 INCIDENT RESPONSE PLAN**

##### **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:

- (a) Establish operational incident handling procedures that include adequate preparation, detection, analysis, containment, recovery, and user response activities.
- (b) Track, document, and report incidents to appropriate agency officials and/or authorities.

##### **Reporting Security Events**

The Port of Seattle Police shall promptly report incident information to the ACCESS Information Security Officer (ISO) by email to [ACCESS@wsp.wa.gov](mailto:ACCESS@wsp.wa.gov) using the FBI Security Incident Reporting Form available to any authorities appropriate to the local agency on the ACCESS webpage:

[https://wsp.wa.gov/wp-content/uploads/2023/12/230011\\_ACCESS\\_CJIS\\_Security\\_Incident\\_Report\\_R\\_6-23.pdf](https://wsp.wa.gov/wp-content/uploads/2023/12/230011_ACCESS_CJIS_Security_Incident_Report_R_6-23.pdf).

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 weaknesses 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**

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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:

- (a) Loss of device control. For example:
  - 1. Device known to be locked, minimal duration of loss
  - 2. Device lock state unknown, minimal duration of loss
  - 3. Device lock state unknown, extended duration of loss
  - 4. Device known to be unlocked, more than momentary duration of loss
- (b) 2. Total loss of device
- (c) 3. Device compromise
- (d) 4. Device loss or compromise outside the United States

#### **System Misuse**

Violations of the rules, regulations, policies, or procedures developed by NCIC and adopted by the WSP or any other misuse or abuse of the ACCESS system may result in agency disciplinary measures and/or criminal prosecution.



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- (a) All allegations of ACCESS misuse must immediately be reported to the ACCESS Section Manager using the ACCESS Violation Incident Report Form. The violation report can be found on the ACCESS website: <https://wsp.wa.gov/access/>
- (b) If the allegations are founded, the investigating agency will choose the level of discipline.
- (c) The WSP works in conjunction with the agency to impose additional sanctions, if warranted.
  - 1. This may include, but is not limited to, additional training, revocation of individual certification, or termination of system access to the department.  
<https://wsp.wa.gov/access/>

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of ACCESS privileges, civil and criminal prosecution and/or termination. Violation by any visitor can result in similar disciplinary action against the sponsoring employee and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

#### **800.10 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.

#### **800.11 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.

# Communication Operations

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the communications system. The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. It is understood emergencies place the greatest demands upon the communications system and tests the capability of the system to fulfill its functions.

## 801.2 POLICY (CALEA 81.2.1 / 81.2.2)

It is the policy of the Port of Seattle Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. In the case of emergency assistance, the department provides access to the 9-1-1 system for a single emergency telephone number. The department provides two-way radio capability for continuous communication between the communications center and department members in the field.

## 801.3 COMMUNICATION OPERATIONS

### 801.3.1 COMMUNICATIONS LOG (CALEA 81.2.3)

It shall be the responsibility of Communications Center to record all relevant information on calls for criminal and non-criminal services. Members shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include at a minimum:

- Auto generated control number and call sign.
- Date and time of request.
- Name and address of complainant, if possible.
- Type of incident reported.
- Location of incident reported.
- Identification of officer(s) assigned as primary and backup.
- Time of dispatch.
- Time of the officer's arrival.
- Time of officer's return to service.
- Disposition or status of reported incident.

## 801.4 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when communications specialists, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

### 801.4.1 OFFICER IDENTIFICATION (CALEA 81.2.4 C)

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Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the communications specialist. The use of the call sign allows for a brief pause so that the communications specialist can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign including agency identifier. This requirement does not apply to continuing conversation between the mobile unit and communications specialist once the mobile unit has been properly identified.

#### 801.4.2 ASSIGNMENT OF TELEPHONE DETAILS

The communications center will normally assign non-emergency telephone calls to the applicable patrol area of responsibility. On-duty shift supervisors have the authority to reassign officers or redirect telephone details as needed to facilitate efficient patrol operations.

#### 801.4.3 RADIO COMMUNICATIONS PROCEDURES (CALEA 81.2.4 A/B)

The police radio system is for official use only, to be used by communication specialists to communicate with department members in the field. Proper radio communication increases the efficiency of police operations and officer safety. Therefore, officers should provide dispatch and other officers with pertinent information when appropriate. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Examples of reasons for radio traffic include but are not limited to:

- Location of a traffic or subject stop.
- Notification of the location of an incident and any subsequent change of location.
- Contacting a suspect in a crime.
- Advising of status and responding to status checks.
- Requesting or canceling back-up.
- Providing updated information on an incident.
- Change in status or availability.
- Calling in- and out-of-service and relaying shift assignment.
- Emergency situations.
- Reporting on-view incidents.
- Assigning calls for service.
- Requesting and responding to driver's license and license plate checks.
- Requesting and issuing case numbers.

Officers and sergeants in administrative assignments, to include the Criminal Investigations Division, need only advise the communications center of their service status when their assignment takes them away from their normal place of duty (e.g., when in the field on a detail

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away from the office). Officers and sergeants on such an assignment shall also advise the communications center of their location and nature of the detail.

The Communications Manager and/or their designee shall be notified of radio procedure violations or other causes for complaint.

#### **801.4.4 MUTUAL AID COMMUNICATIONS (CALEA 81.2.4 D)**

In event of mutual aid operations, communication with other agencies is essential. All Port of Seattle Police Department radios have the ability to communicate with all Valley Communications' police agencies, the King County Sheriff's Department, the Washington State Patrol, and Snohomish and Pierce Counties via the Tri-County Regional Interoperability System (TRIS).

Agencies, inclusive of our department, requesting mutual aid assistance, will coordinate communications actions with the requested agencies. The Port of Seattle Police Department communications center will coordinate and direct the POSPD field units to the appropriate radio channel.

Employees initiating communication with other agencies shall use their entire call sign including agency identifier. This requirement does not apply to continuing conversation between the mobile unit and communications specialist once the mobile unit has been properly identified.

Plain english will be spoken during both intra and inter-agency communications.

#### **801.4.5 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Port of Seattle Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **801.5 THE COMMUNICATIONS CENTER SECURITY (CALEA 81.3.1)**

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to Communications Center members, the on-duty shift supervisor, command staff and department members with a specific business-related purpose.

##### **801.5.1 SYSTEM SECURITY**

##### **801.5.2 PERSONNEL SECURITY REQUIREMENTS**

#### **801.6 CALL HANDLING**

When a call for services is received, the communication specialist will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking five key questions:

- Where?

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- What?
- When?
- Who?
- Weapons?

If the communication specialist determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the communication specialist determines that the caller is a limited English proficiency (LEP) individual, the communication specialist should quickly determine whether sufficient information can be obtained to initiate an appropriate response.

If language assistance is still needed or if the communication specialist is unable to identify the caller's language, the communication specialist will contact the contracted telephonic interpretation service and establish a three-party call connecting the communication specialist, the LEP individual and the interpreter.

Communication specialists should be courteous, patient and respectful when dealing with the public.

#### **801.6.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the communication specialist has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The on-duty shift supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **801.6.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the communication specialist to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the communication specialist returning to the telephone line or when there will be a delay in the response for service.

#### **801.7 COMMUNICATIONS PERSONNEL RESPONSIBILITIES**

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#### 801.7.1 COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Services Bureau Deputy Chief or the authorized designee.

The responsibilities of the Communications Manager (or their designee) include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the communications center in coordination with other supervisors.
- (b) Monitoring communications supervisors and specialists schedules and time records.
- (c) Supervising, training and evaluating communication supervisors and specialists.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of communications center information for release.
- (f) Maintaining communication center database systems.
- (g) Maintaining and updating communications center procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring communication supervisors and specialists compliance with established policies and procedures, and applicable labor agreements.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of Port of Seattle personnel to be notified in the event of a utility service emergency.

#### 801.7.2 ADDITIONAL PROCEDURES

The Communications Manager should work with Communication Supervisors in establishing procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for communication specialists (e.g., on-duty shift supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.

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- (f) Emergency Medical Dispatch (EMD) instructions and quality assurance reviews.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the communications center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

#### 801.7.3 COMMUNICATION SUPERVISORS

Communication supervisors report to the Communications Manager and serve as first-line supervisors for communications specialists.

The responsibilities of communications supervisors include, but are not limited to:

- (a) Working with the Communications Manager to ensure efficient and effective operation of the communications center.
- (b) Supervising, training and evaluating communication specialists.
- (c) Scheduling and maintaining communications specialists schedules and payroll.
- (d) Assisting the Communications Manager in accurate documentation of department operations.
- (e) Overseeing answering of communications center emergency and business telephones.
- (f) Ensuring compliance with Port and department policies, procedures, and applicable labor agreements.
- (g) Responding to internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (h) Assuring communications center work areas and equipment are clean and maintained in good working condition.
- (i) Requesting technical support and equipment repair when appropriate.
- (j) Maintaining skill and ability to work all communications center positions as needed.

#### 801.7.4 COMMUNICATION SPECIALISTS

Communication specialists report directly to Communication Supervisors. The responsibilities of the communication specialist include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.
  - 2. Business telephone lines.

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3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Accurately documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units) within the CAD system.
  - (c) Inquiry and entry of information through the Communications center, department and other law enforcement database systems (e.g., Department of Licensing (DOL) records, Washington Crime Information Center (WACIC), National Crime Information Center (NCIC). This includes entering the required information, to the extent known, in the NCIC database for any report of a lost or stolen firearm (RCW 9.41.368).
  - (d) Monitoring department video surveillance systems, and internal and external alarms.
  - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
  - (f) Notifying the on-duty shift supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.
    4. Weapons in the x-ray.
    5. Mutual Aid requests.
    6. On-Duty injuries.

#### **801.8 CONFIDENTIALITY**

Information that becomes available through Communications Center may be confidential or sensitive in nature. All members of Communications center shall treat information that becomes known to them as confidential and release that information in accordance with the POSPD ***Protected Information*** Policy.

Automated data, such as DOL records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Absent emergent circumstances, confidential information shall not be transmitted via radio. Instead, information which is confidential in nature may be provided via telephone (see the POSPD ***Protected Information*** Policy).



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#### **801.9 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

A Central Computerized Enforcement Service System (ACCESS) is a computer controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and WACIC. There are specific requirements for agencies accessing the information in the group of computers systems in ACCESS.

##### **801.9.1 ACCESS USE REQUIREMENTS**

No member of the Port of Seattle Police Department shall operate any of the ACCESS systems without first complying with the training and certification requirements as they are listed in the ACCESS and Criminal Justice Information Services (CJIS) Manuals.

All department members operating an ACCESS system must complete a fingerprint based background check and are subject to re-background at least every five years based on name and SID (state identification number). Within six months of employment or assignment, all ACCESS users must complete and certify ACCESS training, including security awareness. All ACCESS users must recertify annually. Failure to recertify by the user's ACCESS expiration date or failure of the recertification test requires employees to attend ACCESS training to recertify.

##### **801.9.2 ACCESS REQUIREMENTS**

Information obtained via ACCESS can only be used by criminal justice agencies for criminal justice reasons. As an authorized ACCESS user agency, the Port of Seattle Police Department complies with all of the following ACCESS requirements (ACCESS Manual, Chapter 1):

- System entries – to include: warrants, protection orders, vehicles, articles, guns, and officer safety advisories.
- Receiving information from outside agencies.
- Recording information.
- Verifying information.
- Canceling, clearing or locating information and entries.
- Providing 24-hour hit confirmation access to agency warrants, orders, and other entered items.

It is the responsibility of the Communications Center Manager and Terminal Access Control (TAC) Officer to ensure that all ACCESS computer and network security requirements are in place and operational (ACCESS Manual, Chapter 1, Section 2, Item A).

##### **801.9.3 DATA CONFIRMATION**

Officers will always attempt to positively confirm the identity of the person (e.g., warrant or court order) or item (e.g., stolen vehicle) in question prior to seeking confirmation on data.

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Confirmation of data (warrant, court order, stolen status, etc.) may only occur through the POSPD Communications Center. Officers are prohibited from circumventing POSPD Communications and directly "confirming" warrants, court orders, stolen status, etc., with the originating agency/court and/or their communications unit (e.g., Valley Communications).

If after data confirmation through POSPD Communications, an officer requires additional information from the originating agency/court, and/or their communications unit, they may either request POSPD Communications obtain the information or contact them directly.

#### **801.10 OFFICER SAFETY ADVISORIES**

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into NCIC when they have exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met:

- The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute which involves violence against law enforcement.
- The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who he/she believes is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the Communications Center is responsible for making the appropriate entry into NCIC in a timely manner.

Whenever an Officer Safety Advisory is initiated by the Port of Seattle Police Department, it is the responsibility of the Technical Agency Coordinator (TAC) to ensure that the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file in the Communications Center. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

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#### 801.10.1 RETENTION PERIOD FOR VIOLENT PERSON FILE

VPF records have an unlimited retention period. A VPF record will remain on file indefinitely or until action is taken by the entering agency to cancel the record. Other exceptions to the aforementioned VPF record retention periods would occur in the event a serious error is detected in the record on file. All VPF entries are annually validated to ensure accuracy by the TAC Officer and requesting officer.

# Computers and Digital Evidence

## 802.1 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.

## 802.2 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 (ICT technician or evidence technician). 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 network connections via cables, cell phone adapters, and wireless routers.
- (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 or package each item collected.
- (f) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Avoid storing electronic evidence in vehicles or other areas where temperature and humidity are not controlled for prolonged periods of time. Keep electronic evidence away from magnetic sources like radio transmitters, speaker magnets, etc. Do not transport computers in vehicle trunk.
- (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.

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### *Computers and Digital Evidence*

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2. Who was using it at the time.
  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.

#### **802.2.1 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.

#### **802.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, floppy disks, compact disks, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) If the computer will be processed by an outside agency, provide them with a copy of the case report and any pertinent case related information.
- (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.

#### **802.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media (e.g., hard disks, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence and Property Room to copy the contents to an appropriate form of storage media.

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- (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.
- (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) Package the item to prevent damage or altering of the item.

#### **802.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) If the device is off, do not turn it on. If the device is on, in most cases it should be turned off using a normal shutdown sequence. After the unit is shut down the battery should be removed if accessible. Turning the phone off may result in the loss of data stored in volatile memory. However, leaving the phone on, may result in a loss of all of the data on the phone if the suspect (or their associates) are able to contact their service provider and request that the phone data be deleted by reporting that the device was "lost". If the PCD is collected as part of a serious crime (murder, rape, kidnapping) and it will be analyzed within 24 hours, then leave the phone on. The evidence technician may store the PDC in a Faraday bag or it may be placed in "Airplane" mode to disconnect it from the network.
- (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.
- (d) If the device will be placed inside of a Faraday bag, the unit should be connected to a power source.

#### **802.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

##### **802.5.1 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.

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#### 802.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) If only a few photographs are taken, attach all of them to the LERMS report.
- (b) Do not modify the image file in any way. For example, do not rename or enhance the photos on the memory card. Burn all of the photos that were taken regardless of quality, to a CD-R disk.
- (c) For minor cases or when photos are used for illustrative purposes, submitting the disk into evidence is not required. The computer disk may be forwarded to records for inclusion in the case file.
- (d) For major cases, serious vehicle collision investigations, victim injuries, fingerprint photos, or any case where the photographs will be relied upon for prosecution, submit these computer disks of digital photos into evidence. Attach a representative number of photographs to the LERMS report.
- (e) Package all computer disks in paper bags or envelopes.
- (f) Requests from complainants, legal firms, insurance companies or outside agencies for copies of photographs taken shall be directed to the RecordsSection, the investigating officer, or the prosecutor.
- (g) Video recordings should be used to supplement but not replace still photographs. If video recordings are taken, the time, date, location, and case number will be recorded. The video recording shall be submitted into evidence. At the request of the case detective or prosecutor, the video recording may be converted into a DVD or other video format, but the original recording should be retained.

#### 802.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

#### 802.5.4 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. Original digital media may be transferred to outside labs for testing and analysis.

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- (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.
- (d) Still captures from video and enhanced digital images that are of evidentiary quality should be preserved. These images may be attached to RMS, or burned to a new disk and stored in evidence or forwarded to Records.



# Crime Analysis

## 803.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

## 803.2 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
- Electronic Traffic Information Processing (eTRIP) data

## 803.3 CRIME ANALYSIS FACTORS

The following criteria should be considered in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

## 803.4 CRIME ANALYSIS DISSEMINATION

Crime analysis information should be disseminated to the appropriate units or persons on a timely basis.

# Multi-Agency Information Sharing Systems Security

## 804.1 PURPOSE AND SCOPE

The department participates in regional, national, and international law enforcement programs that include the sharing and/or analysis of the records of participating agencies, including Criminal History Record Information (CHRI). Such participation shall in no case exceed the legal limits placed on the management of department records by any applicable law.

Employee use of and access to Multi-Agency Information Sharing Systems (MAISS) shall be strictly governed by department policy, in a manner which conforms to all rules and restrictions placed on their use by each program's governing body. Employees will be held individually accountable for violating any such restrictions through normal department disciplinary processes, and may be civilly or criminally liable for actions that constitute a violation of law.

MAISS currently in use include:

- LINX - Law Enforcement Information Exchange

### 804.1.1 SYSTEM SECURITY

The Commander of the Services Bureau shall direct POS Information Technology (ICT) to structure the department's electronic network interface with any MAISS in a manner compliant with the requirements mandated by the appropriate governing body. Written certification that the department's interface is in such compliance shall be obtained from the appropriate POS ICT authority and maintained on file.

The department's network interface with any MAISS shall be reviewed for program compliance annually or as determined by the appropriate governing body, whichever is most frequent.

Before any department employee is granted access to any MAISS, they must first have successfully passed a standard criminal history background check required for employment as a Police Officer, Police Records Specialist, or the equivalent.

Prior to being assigned to support department use of MAISS, ICT employees shall undergo a limited background investigation conducted by the department.

Completed background checks shall be submitted directly to the Office of the Chief or their designee for a ruling on the fitness of all proposed ICT personnel assignments for MAISS support.

Access to MAISS by POS ICT personnel shall be limited to supporting the approved use of those systems by department personnel, to include system testing and trouble-shooting user issues.

Administration, management, and use of individual passwords and user ID's shall conform to all POS rules and policy regarding network security and integrity. Other restrictions imposed by the governing body of a particular MAISS shall also be observed and will be outlined in detail in all training syllabi.

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### *Multi-Agency Information Sharing Systems Security*

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#### 804.1.2 TRAINING

All department MAISS training shall conform to standards set by each program's governing body. Training syllabi shall include at a minimum a description of all rules and restrictions specific to the proper use of each MAISS. Employees shall be required to acknowledge their understanding and acceptance of those rules in writing prior to being granted access to a particular system. Any MAISS End User License Agreement (EULA) shall also be maintained on file to document an employee's acknowledgement of system rules.

Only employees who have received department-approved instruction in the use of a MAISS are permitted access to and use of that system.

Records of all MAISS training shall be maintained by the Office of Professional Development and shall include at a minimum an accounting of each employee's individual training, their status with regard to required refresher training and testing, and current copies of all MAISS training bulletins and syllabi.

The department shall provide all employee users refresher training and/or proficiency testing as required by the respective program. Failure to stay apprised of such requirements may result in the affected employee losing access rights to the respective MAISS.

Rules and restrictions specific to each MAISS will be made available on-line to all employee users.

#### 804.1.3 INTERNAL SYSTEM ADMINISTRATION

The administration and delegation of duties and responsibilities of MAISS shall be the responsibility of the Services Bureau Commander.

- (a) Data Quality Assurance - Audits shall be conducted in a manner and frequency established by the governing body of each MAISS and shall include, at a minimum, an accounting of each of the following subject areas:
  - 1. Accuracy: All department MAISS entries shall contain only data that is deemed correct and up-to-date.
  - 2. Completeness: The department shall ensure all records it contributes contain all available and pertinent data that it can legally disseminate.
  - 3. Timeliness: Exposure, modification, update, and removal of information are completed as soon as practical after new information is available.
  - 4. Security: The department has a legal responsibility to protect sensitive information against unauthorized access.
  - 5. Dissemination: The department ensures all information is released in accordance with all applicable laws, regulations, and rules specific to each MAISS.
  - 6. Training: The department ensures all users are trained and certified to applicable standards.

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- (b) Providing Confirmation to Other Agencies - Incoming requests for confirmation/validation of Law Enforcement Report Management System (LERMS) data shall be directed to the Records Section. In the absence of an available Police Records Specialist, any department employee with access to the LERMS may be assigned to initially handle the request if immediate action is required in the interest of the protection of life or property and/or a successful criminal prosecution. Written confirmation of LERMS data shall be provided upon request following routine guidelines for such dissemination. It is department policy that all requests for written confirmation of MAISS data shall normally be processed in less than one 24-hour business day.
  - 1. Minimum Standards for Confirmation of LERMS Data.
    - (a) Responding staff must have department-authorized access to the LERMS.
    - (b) Reasonable steps will be taken to confirm the individual requesting confirmation has a legitimate law enforcement affiliation and "need to know".
    - (c) Staff will consider the LERMS record in its entirety to ensure the data to be confirmed is not contradicted or amended in a subsequent portion of the record.
  - (c) Spot Checks - The OPA shall direct random periodic samplings of LERMS data checked against corresponding MAISS records.
  - (d) Disabling Accounts - The Police Records Specialist shall be responsible for immediately disabling an account for any user who is under criminal investigation, retires, resigns, is terminated or otherwise leaves the agency.

#### 804.1.4 OVERSIGHT AND SANCTIONS

All department employees shall report suspected abuses/misuses of any MAISS in accordance with internal complaint procedures.

The department shall investigate all reported abuses/misuses of any MAISS by any Port employee(s). At the conclusion of the investigation, the results will be forwarded to the appropriate governing agency or body as required by participation in that program. Such reporting shall not include any information prohibited by law from dissemination outside the department.

#### 804.1.5 EMPLOYEE USE

MAISS data shall not be accessed or used for any purpose other than legitimate department business.

MAISS data which has not been confirmed with the contributing agency shall not be used to establish probable cause for any activity that would directly result in the user providing sworn testimony in any court, including the initiation of an investigation, arrests, searches, and/or seizures.

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MAISS data shall not be included in the published analysis of pre-employment background checks.

The retention and reproduction of MAISS data shall strictly conform to the rules and restrictions placed upon it by the respective governing agency or body. Department MAISS training instructors shall be mindful of the need to address those subject areas in complete detail in their training syllabi and classroom presentations.

Correctly confirmed MAISS data may be utilized to any legitimate and legal investigatory extent. MAISS data is to be considered "confirmed" for the purpose of justifying arrest, searches, seizures, or the filing of charges only if acted upon within a reasonable time period following the confirmation. Once the opportunity for action within that time period has passed, MAISS data must be reconfirmed prior to being acted upon.

# Property and Evidence

## 805.1 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.

### 805.1.1 DEFINITIONS

**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.

**For Destruction Only** - Includes an item of property that is illegal or prohibited for a private citizen to possess (e.g., non-chargeable narcotics possession or illegal weapons, etc.). An officer takes custody for the purposes of disposal or destruction.

**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.

**High-Risk Items** - Includes currency and negotiable instruments, firearms, controlled substances, jewelry, precious metals and may include other items having a high monetary value.

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Safekeeping** - Includes items belonging to a known person an officer has reason to take into custody as a result of an arrest or an investigation and is not evidence or contraband. This classification is used when the department has some responsibility to safeguard the property of an individual who is unable to care for it. Safekeeping items should have an address and phone number of the owner. Examples include 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.

## 805.2 POLICY

It is the policy of the Port of Seattle 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.

## 805.3 PROPERTY HANDLING (CALEA 84.1.4)

In the event an officer first comes into possession of property, the officer shall retain such property in their possession until it is properly tagged or packaged and placed in the designated property lockers. Care shall be taken to maintain the chain of custody for all property.

Weapons submitted to the Evidence and Property Room will be held until no longer needed for evidentiary or legal purposes. Weapons no longer needing to be held shall be either returned to the legal owner (in accordance with the **Release of Property** and/or **Disputed Claims to**

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**Property** Subsections of this policy), be destroyed, or alternatively converted to department use (e.g., training purposes).

Seized or recovered explosives will be properly disposed of and will not be used for investigative, training, or any other purpose.

The taking of lost and found items to the Lost and Found Office shall be the responsibility of the finder or of the Airport Duty Manager (ADM).

#### 805.3.1 PROPERTY BOOKING PROCEDURE (CALEA 84.1.1)

All property must be booked prior to the employee going off duty. Employees booking property shall observe the following guidelines:

- (a) A case report or incident supplemental detailing the circumstances by which the property came into the officer's possession is required when booking evidence and safekeeping items. A case report is required when booking any firearm. An incident supplemental is sufficient for items booked for destruction only, provided it details the circumstances of the incident.
- (b) Complete the Evidence OnQ entry describing each item of property separately, listing all serial numbers, condition, and other identifying information or markings. Please select a lab analysis from the checkbox for any item(s) which require fingerprint analysis or lab testing. The date the item was collected, and the name of the collecting officer shall also be completed. If custody of an item was transferred from one officer to another officer while in the field, the date and time of the transfer along with the names of the involved officers should be documented in the case report.
- (c) Affix the barcode label to a tag that is secured to the item, or to the packaging the item is placed in as in an appropriately sized bag or envelope. The barcode label should not be placed directly on the item itself as doing so could smudge, mark, or damage the item.
- (d) The labeled property shall then be placed and locked into a secure locker in the temporary evidence locker room. If the property is too large to be placed in a locker, the item may be directly booked at the evidence room during hours of operation. If this occurs when the evidence room is not open, then contact the evidence technician and/or the CID Sergeant. If the Safekeeping or For Destruction only item is too big (e.g. bicycles, etc.), then store the item(s) in the temporary evidence locker room at the airport and notify the evidence technician.

#### 805.3.2 NARCOTICS AND DANGEROUS DRUGS

- (a) Field-tests are the responsibility of the submitting officer. Field-tests necessary to the development of probable cause shall be conducted safely via proper use of personal protective equipment (PPE) due to the growing potential of exposure to harmful/fatal substances like fentanyl. When controlled substances are seized as evidence, the officer submitting the evidence shall field-test the item(s) before packaging them for evidence. Charges cannot be filed without a properly documented field test (even if the suspect identifies and admits to the narcotics). Field testing is not required for khat, prescription pills / capsules, steroids, or any type of drug that is for destruction

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only. Field testing of marihuana is needed for felony marihuana cases, DUIs, and for misdemeanor cases (e.g., underage possession).

- (b) Drugs submitted to the Evidence Room shall be weighed (and counted if appropriate), by the submitting officer. The officer shall use an approved department scale for all weighing. This information should be recorded on the packaging and in Evidence OnQ. Submitted drugs shall have **two** weights provided as a minimum:
  - 1. The weight of the controlled substance minus all packaging, or as packaged by the suspect. This weight shall be recorded in Evidence OnQ.
  - 2. The other required weight to obtain is the gross weight (total packaged weight). This weight is required for control, auditing, and accreditation purposes and is verified when the evidence item enters or leaves the evidence room. This measurement includes the controlled substance, suspect's packaging, evidence container, and evidence tape. It is the weight of the evidence package immediately prior to securing it in the evidence locker. This weight shall be recorded in the "Description" field of the Quick Property entry along with a description of the item.
- (c) Controlled substances submitted to the Evidence Room, whether for evidentiary or destruction purposes, should be sealed in a paper evidence bag, box, or paper envelope. Taping of factory seals is not required, but should be done if leakage is possible, for example, submitting loose marihuana with no suspect packaging. Do not use plastic bags when packaging khat, marihuana, or mushrooms.
- (d) Drugs shall be weighed and packaged separately. Do not package drugs with paraphernalia, different drugs together, or drugs recovered from different locations (for example drugs from the trunk with drugs located from the passenger compartment).
- (e) Khat contains Cathinone (a Schedule I drug) and Cathine (a Schedule IV drug). As the leaves mature, Cathinone is converted into Cathine, so timely and proper storage is essential to prevent further loss of the Schedule I component. Weigh and photograph khat as it is packaged. A representative number of bundles should be separated from the larger amount of khat, typically 2-3 bundles. The sample bundles will be retained for lab analysis and court. The remaining khat should be booked as Confiscation/Contraband and will be for destruction only. All khat, whether for analysis or destruction, shall be packaged in paper bags. The sample bundles of khat shall be frozen as soon as possible to prevent loss of the Schedule I component.
- (f) All narcotics and dangerous drugs shall be booked separately using a separate property entry. Narcotics and dangerous drugs shall be weighed using a calibrated scale whenever a member enters or leaves the Evidence Room with the item unless the narcotics or dangerous drugs are being prepared for destruction.

#### 805.3.3 EXCEPTIONAL HANDLING

- (a) Currency shall be packaged separately from other evidence or safekeeping items. With amounts of \$250 or more, a supervisor shall verify the count and initial the evidence tape seals along with the officer. Officers shall note which supervisor verified the count in Evidence OnQ.



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- (b) Hypodermic needles are generally not to be placed into evidence unless it is critical to the case. Hypodermic needles are to be disposed of in an approved sharps container. The contents of a syringe may be evacuated into a container for submission to the lab, provided a sharps container is readily available. Do not re-cap syringes, but rather dispose of them in a sharps container.
- (c) Items that are wet or have bodily fluid stains should be dried prior to packaging. These items should be packaged in paper, not plastic bags. If items need extensive drying, package and secure the items and contact the evidence technician. These items will be dried over blotter paper in the Evidence drying room. Once dried, they will be repackaged along with the blotter paper.
- (d) Knives or sharp objects shall be sufficiently padded or secured to prevent injury to personnel handling the item. Secure switchblades and other spring loaded items to prevent them from opening inside of the packaging.
- (e) Port of Seattle property, unless connected to a known criminal case, should be released directly to the appropriate Port department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 805.3.4 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, or detective to ensure the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the POSPD **Asset Forfeiture** Policy.

#### 805.3.5 CLANDESTINE DRUG LABS

- (a) No employee shall retrieve, transport, or handle any item involved in or near an active clandestine methamphetamine lab.
- (b) If it is suspected that a methamphetamine laboratory has been discovered in the course of an investigation, the officer shall immediately contact their supervisor who will then contact CID. If necessary, the applicable fire agency may also be contacted and asked to respond as a safety precaution only.
- (c) For active investigations with suspects, or if suspects may be developed with further investigation, contact the WSP Statewide Incident Response Team (SIRT). WSP may provide a team of investigators specifically trained for processing clandestine laboratory scenes.

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- (d) If no police investigation will be conducted and only site clean-up is needed, contact the Washington State Department of Ecology (WS-DOE) in accordance with RCW 69.50.511.
- (e) Small samples of drugs and chemicals may be collected for laboratory analysis. Collection shall be done in consultation with WSP-SIRT and submitted items shall be clearly marked, "Meth Lab Investigation".

#### 805.3.6 EXPLOSIVES / FIREWORKS / AMMUNITION

Officers who encounter an explosive device shall immediately notify the on-duty shift supervisor. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

Consumer fireworks can be collected and placed in the designated fireworks drop box located in the temporary evidence locker area at the airport. Notify the BDU Team Leader whenever placing properly packaged items in this container. Label packaging with the incident or case number. This drop box is not to be used for IEDs or professional grade fireworks. No Evidence OnQ entry is required.

Loose ammunition confiscated for destruction only will be placed into non-evidence packaging and secured with staples or regular (non-evidence) tape. Ammunition already in a container, such as a factory box, can be taped shut. Write the incident number and item description on the packaging and place the item in the designated ammunition drop box. No Evidence OnQ entry is required.

Ammunition that is evidence or magazines, clips, speed loaders for destruction shall not be submitted utilizing this procedure. These items should be documented in Evidence OnQ and placed into an evidence locker.

#### 805.3.7 FIREARMS

- (a) Firearms shall be checked for a registered owner and stolen status by the submitting officer.
- (b) Officers shall complete a firearm entry form and submit the form to the Communications Center for found firearms. For purposes of this policy, found firearms are: discovered during a call for service, firearms in which the firearm's owner and/or owner information is unknown at the time of the call for service, and firearms that have not been reported stolen.
- (c) Firearms shall be safely unloaded as soon as possible and always prior to submission to the Evidence Room. All firearms shall be submitted in a manner that ensures that the action or cylinder remains open, typically by using a zip-tie.
- (d) The submitting officer shall photograph the firearm, including close-up photos of the weapon's markings and serial numbers, and any manufacturer/importer markings. These photos shall be uploaded to Evidence.com.
- (e) Package firearms and ammunition separately. Do not package all of the items in one container since the firearm can become scratched by an unsecured magazine. It is

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acceptable to package guns in paper bags or in boxes. Always package items in accordance with the WSP Evidence Handbook.

- (f) Minimize handling if the firearm, magazine, and ammunition are to be processed for latent prints or DNA. Unload the weapon, but there is no need to unload the magazine merely to count the bullets. Package the magazine separately, but leave it intact to prevent damaging latent prints or DNA that may be present. If latent prints or DNA are to be tested, the evidence technician should be contacted for processing.

#### 805.3.8 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.

The evidence technician will prepare a property receipt form and provide a copy to the individual who surrendered the firearm.

- (a) If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Police Records Specialist for timely filing with the court (RCW 7.105.340).

The evidence technician shall store a firearm accepted pursuant to this policy.

#### 805.3.9 TRACE EVIDENCE

- (a) The clothing of suspects/victims are prime accumulators of trace evidence and should be collected as soon as possible.
- (b) When collecting clothing from a person, that person should first stand on a clean piece of non-printed paper. As each item is removed, it should be carefully folded and packaged separately. The paper should then be folded and submitted for analysis with the collected items.
- (c) To prevent cross contamination, keep suspect and victim clothing separate and use new or clean tweezers, combs, or scissors during the collection process.
- (d) Threads, fibers, and hairs should be handled with clean tweezers or forceps and packaged in clean, dry containers such as envelopes, pill boxes, etc. These should be labeled to identify the location of collection.
- (e) It is a good practice to collect control samples and submit for comparison.
- (f) When hair samples are collected from a live victim or suspect, they should be taken from different areas of the body including: the crown, temple, beard, arm, chest, back, pubic, and leg areas.
- (g) For complicated scenes, the evidence technician or State Crime Lab may be called to process the scene.

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#### 805.3.10 LATENT FINGERPRINTS

Latent prints are perhaps the most common form of physical evidence. Because latent prints are fragile and susceptible to destruction, proper collecting, handling and packaging of the evidence is critical. Members of this department should adhere to their crime scene processing training while collecting latent fingerprints.

#### 805.3.11 PROCESSING LATENT FINGERPRINTS AT CRIME SCENE

Members should adhere to the following procedures when processing items while on scene:

- (a) Once powder-developed latent prints have been lifted, they should be placed onto a designated latent-print card.
- (b) Each latent-print card should be properly identified with written information to include the case number, the date, type of crime, crime scene location, location of the lift, type of object processed and information identifying the person who lifted the print.
- (c) A simple sketch of the object to describe the location from which the lift was made may be drawn on the card as an addition to the written information.
- (d) Any of the officer's prints appearing on the card should be crossed out and initialed.
- (e) Completed latent-print cards should be placed into an evidence envelope prior to being submitted into evidence. If needed, multiple latent-print cards from the same incident may be placed into a single evidence envelope.

#### 805.3.12 COLLECTING ITEMS TO BE SUBMITTED FOR LATENT FINGERPRINT PROCESSING

Generally, the types of surfaces from which latent prints can be developed fall into two categories.

- **Surfaces that are hard, smooth and non-absorbent-** Latent fingerprints located on these types of surfaces are very fragile as they generally remain exposed on the surface and are susceptible to destruction if rubbed or brushed against other objects. Items with these surface characteristics should be packaged individually in order to protect the surfaces to be processed.
- **Surfaces that are smooth, absorbent and porous-** Latent fingerprints left on this type of surface are more readily "absorbed" and will not be as easily destroyed by contact with another surface. If needed, and because of their porous, absorbent surface characteristics, multiple items such as paper and cardboard may be loosely packaged into a single container.

#### 805.3.13 SPECIAL CIRCUMSTANCES

There may be times where special circumstances necessitate the need for additional expertise or resources to properly process a scene or items for latent fingerprints. The Criminal Investigations Division Sergeant or Commander should be contacted to provide guidance or coordinate CID response whenever one or more of the following situations arise.

- When an item requires both latent print collection and collection of blood.
- If latent print processing of an item may affect needed DNA analysis of the item.

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- If an item requires both latent print processing and document examination.
- Other special circumstances that exceed the abilities of personnel on the scene.

Once contacted, CID personnel will decide on a course of action which may include providing guidance to the on-scene members, responding to the scene to assist and/or coordinating response from outside resources such as AFIS, WSP Crime Lab, The Medical Examiner, etc.

#### 805.3.14 COMPARISON PRINTS

Generally, the taking of fingerprints from individuals for comparison or exclusion purposes (e.g., vehicle prowler and burglary victims) can facilitate analysis of print cards and should be collected if possible.

#### **805.4 RECORDING OF PROPERTY**

The evidence technician receiving custody of evidence or property shall document receipt via Evidence OnQ. The Total Packaged Weight (TPW) of drug items will be obtained using a calibrated scale. This value will be recorded in Evidence OnQ and written on the item. The chain of custody for items will be documented in Evidence OnQ. Any changes to storage locations, status, etc. will also be recorded in Evidence OnQ.

#### **805.5 PROPERTY CONTROL**

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in Evidence OnQ. Officers desiring property for court shall contact the evidence technician at least one day prior to the court day.

##### 805.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, and appropriate entry in Evidence OnQ shall be completed to maintain the chain of possession. No evidence will be disposed of without written authorization from the case detective (if assigned), CID Sergeant and Commander.

##### 805.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY (CALEA 83.3.2)

The evidence technician will complete the applicable lab request form and coordinate submitting evidentiary items to the applicable crime lab. When checking drug evidence in or out of the property room, the total package weight (as entered into evidence) shall be measured with a calibrated scale and recorded. Evidence items will be packaged using methods set out in the WSP evidence handling manual. The chain of custody shall be updated in Evidence OnQ. The lab request form will be submitted to the lab along with the evidence.

Upon return of the evidence, the evidence technician will be responsible to ensure that the chain of custody log has been properly updated. Only written test results will be accepted from the crime lab. Once received, the written test results will be forwarded to Records for inclusion in the case file.

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#### 805.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in Evidence OnQ, stating the date, time and to whom released.

The evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the Property Room or properly released to another authorized person or entity.

The return of the property should be recorded in Evidence OnQ, indicating date, time, and the person who returned the property.

#### 805.5.4 AUTHORITY TO RELEASE PROPERTY

The Criminal Investigations Division shall authorize the disposition of all evidence coming into the care and custody of the department. Release of all guns that are classified as Safekeeping will also be approved by the Criminal Investigations Division Commander prior to release.

#### 805.5.5 RELEASE OF PROPERTY

The Port of Seattle Police Department shall attempt to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. The department shall attempt to return this property within six months after legal requirements have been met. To accomplish this, the evidence technician shall make a reasonable attempt to identify and call the lawful owner. If the owner is not able to be reached by phone, the evidence technician shall provide written notice via US Mail after the property is authorized to be released.

If the property remains unclaimed beyond sixty (60) days after the written notice to the property owner (if known), the department may (RCW 63.32.010, RCW 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law (RCW 63.32.030, 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 Port of Seattle'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 the following circumstances have occurred:

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1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
  2. The item has been unclaimed by any person after notice procedures have been met as prescribed in this section; and
  3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.
- (d) In addition to any other method of disposition of unclaimed property provided under this section, the department may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. Such organization must qualify for tax-exempt status.
- (e) After holding money for at least sixty (60) days and making attempts to notify the owner (if known), unclaimed money will be deposited in the Port of Seattle's General Fund as unclaimed money.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if 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 evidence technician shall release the property upon proper identification being presented by the owner (or their designee) for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the chain of custody and the proper entry shall be documented in EvidenceOnQ. Shipment of the property by common carrier may also be made at the owner's request.

#### 805.5.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Port of Seattle may wish to file an interpleader to resolve the disputed claim.

#### 805.5.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The evidence technician or back-up evidence technicians will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

The evidence technician shall complete a visual inspection to detect possible tampering for any narcotic or dangerous drug prior to destruction. The inspection shall be witnessed by another department member.

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#### **805.5.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT**

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68A.170). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

#### **805.5.9 DESTRUCTION OF NARCOTICS OR CONTRABAND**

Narcotics and dangerous drugs, contraband, and other illegal items will be disposed of in an approved incinerator. Documentation of destruction shall be maintained in accordance with the established records retention schedule.

### **805.6 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 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). Property disposal should be conducted annually.

#### **805.6.1 BIOLOGICAL EVIDENCE**

The 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 appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Division Commander

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 Criminal Investigations Division Commander.



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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Criminal Investigations Division Commander should be consulted.

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (RCW 5.70.030).

#### 805.6.2 DRUG EVIDENCE

When drug items are prepared for destruction, the items shall be visually inspected to detect possible tampering. A random selection of the items shall be weighed using a calibrated scale to further detect tampering. Once the items are prepared for destruction, the outer box shall be sealed shut with tape and initialed by the officers preparing the items. These seals shall be inspected and verified prior to destruction. The destruction of the drugs shall be witnessed by a supervisor.

#### 805.6.3 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the evidence technician shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.
- (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.
- (c) The firearm is not required to be held in custody or prohibited from release.
- (d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.
- (e) Notification is made to those family or household members, or an intimate partner, who have requested notification pursuant to established department protocol (RCW 9.41.340).
  - 1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the 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).

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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.

#### 805.6.4 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).

#### 805.6.5 RELEASE OF FIREARMS AFTER EMERGENCY DETENTION

Firearms surrendered pursuant to RCW 71.05.182 (surrender of firearms after emergency detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).

#### 805.6.6 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).

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#### **805.6.7 REPORT OF CLEARED PROPERTY**

The evidence technician shall provide an annual written "Items Cleared" 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 Evidence and Property Room) during the prior year.

#### **805.7 INSPECTIONS OF THE EVIDENCE ROOM (CALEA 84.1.6)**

- (a) On a semi-annual basis, the supervisor of the evidence technician shall perform a documented inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Documented unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Commander not routinely or directly connected with control of property and evidence.
- (d) Whenever a change is made in personnel assigned as department evidence technician, an inventory of high risk items (e.g. guns, money, and drugs) shall be conducted based on CALEA Appendix I. This audit shall include the current and new individual(s) gaining access privileges, along with a designee of the Chief of Police who is not associated to the Property Room to ensure that records are correct and all evidence property is accounted for. For general property, an audit shall be conducted which draws a representative sample of property and evidence that is sufficiently large enough to establish that proper procedures and systems are being followed.

#### **805.8 EVIDENCE ROOM PROCEDURES**

It is the responsibility of the Criminal Investigation's Division Property and Evidence Technician to manage and control all property and evidentiary property obtained by employees and placed into agency control. This responsibility includes maintenance of accurate paper and computer records. Property will be stored, released, and disposed of according to policies and procedures outlined within this manual.

Additional security measures shall be taken when storing high-risk items. All high risk items (cash, firearms, controlled substances, jewelry, precious metals, etc.) shall be stored as appropriate in one of the Property Room safes or secure gun lockers. Exceptions may be made for the temporary storage of bulk high-risk materials such as large amounts of marijuana.

##### **805.8.1 ACCESS**

- (a) Only the evidence technician and back-up evidence technicians will have keys to the secure areas of the Property Room. The doors of the Property and Evidence Room (P&ER) shall be kept closed and locked any time the evidence technician is not physically in the room.
- (b) Only the property will have all of the safe combinations. The back-up technician shall have the combination for a temporary storage safe that contains sealed envelopes with the other safe combinations. If a safe needs to be accessed by the back-up technician they shall only open the envelope corresponding to that safe and notify the property and CID supervisor detailing their actions.

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- (c) The locked cabinets, safes, and cage within the P&ER shall only be unlocked or opened when the property or back-up technician is actually placing items in or taking items out of those areas.
- (d) Only authorized personnel shall enter the P&ER, and only when accompanied by the property or the back-up technician. All visitors shall sign into the P&ER log book noting time of entry and departure and reason for visit.
- (e) The P&ER alarm shall be armed when the room is closed. Only the property and back-up technician will have the access codes. Access codes shall be changed at least semi-annually. Alarm checks of the P&ER shall be coordinated with the Communications Center and done at least monthly. A temporary alarm system may be used for a short duration if the main security system is not functioning.

#### **805.9 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.

#### **805.10 EVIDENCE AND PROPERTY ROOM SECURITY**

Access to the Evidence and Property Room is restricted to authorized department personnel only. It shall be the responsibility of the evidence technician to control all access to the Evidence and Property Room.

The evidence technician shall maintain a log of all persons entering the secured area of the Evidence and Property Room. Personnel, other than those assigned to the Evidence and Property Room, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

##### **805.10.1 CONTROLS AND ALARMS**

The Evidence and Property Room permanent storage areas shall have controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. Alarms for unauthorized entry and fire shall be monitored at all times.

## Protected Information

### 806.1 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 Port of Seattle Police Department. This policy addresses the protected information such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI) that is used in the day-to-day operation of the Department and not the public records information covered in the POSPD ***CJIS Access, Maintenance, and Security*** and ***Records Maintenance and Release (CALEA 82.1.1)*** Policies.

#### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Administration of Criminal Justice** - The performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime (RCW 10.97.030(6)).

**Criminal History Record Information (CHRI)** - Manual/automated rap sheets and abstracts, rap sheet crime summaries, criminal history transcripts, FBI rap sheets, and any POSPD documents containing a list of prior arrests, descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release (RCW 10.97.030(1)).

CHRI includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender.

CHRI does not include posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis; court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings; records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days; records of any traffic offenses as maintained by the Department of Licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130; records of any aviation violations or offenses as maintained by the Department of Transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330; announcements of executive clemency.

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**Criminal Justice Agency (CJA)** - Means a court or a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice (RCW 10.97.030(5)).

**Criminal Justice Information (CJI)** - The term used to refer to all FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to:

- Biometric - used to identify individuals, to include: fingerprints, palm prints, iris scans, and facial recognition data.
- Identity History Data - textual data corresponding with an individual biometric data providing a history of criminal and/or civil events for the identified individual.
- Biographic Data - information about individuals associated with a unique case and not necessarily connected to identity data. Biographic Data does not provide a history of an individual, only information related to a unique case.
- Property Data - information about vehicles and property associated with crime when accompanied by any Personally Identifiable Information (PII).
- Case / Incident History - information about the history of criminal incidents containing data retrieved from state, local and national data bases (e.g., DOL returns, warrant information, and CHRI).

**Criminal Justice Information Services (CJIS)** - The FBI CJIS division is responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

**Criminal Justice Information Services (CJIS) Compliance** - A joint program of the FBI, State Identification Bureaus, and CJIS System Agency, the CJIS Security Policy outlines the security precautions that must be taken to protect sensitive information like fingerprint and criminal backgrounds by local, state, and federal criminal justice and law enforcement agencies.

**CJIS Systems Agencies (CSA)** - The CSA is responsible for establishing and administering an information technology security program throughout the CSA's user community to include local levels. The head of each CSA shall appoint a CJIS Systems Officer (CSO). WSP is the CSA.

**CJIS Systems Officer (CSO)** - The CSO is the individual located within the CSA responsible for the administration of CJIS network for the CSA. ACCESS serves as Washington state CSO.

**Dissemination**- Means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions (RCW 10.97.030(8)):

- (a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination.

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- (b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination.
- (c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not dissemination.

**Personally Identifiable Information (PII)** - Information which can be used to distinguish or trace an individual's identity. The information includes any combination of a name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as a date and place of birth, or mother's maiden name.

**Protected Information** - Any information or data that is collected, stored or accessed by members of the Port of Seattle 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 (e.g., CHRI).

**Terminal Agency Coordinator (TAC)** - Point of contact at the local agency for all matters relating to CJIS information access. The TAC administers CJIS systems programs within the local agency and oversees the agency's compliance with the CJIS systems policies.

### **806.2 POLICY**

This policy is established pursuant to RCW 10.97 et seq., the Criminal Records Privacy Act, which delineates who has access to CHRI, and establishes penalties for the improper use of CHRI. Members of the Port of Seattle 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.

### **806.3 CRIMINAL RECORD SECURITY OFFICER**

The Chief of Police will select a member of the Department, typically the Police Records Manager, 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).

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- (e) Resolution of questions that arise regarding authorized recipients of protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI).

#### **806.4 ACCESS TO PROTECTED INFORMATION**

Protected information such as CHRI shall not be accessed in violation of any law, order, regulation, user agreement, Port of Seattle 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. All law enforcement personnel with proper identification are authorized recipients of CHRI, if they have an official need to know. CHRI shall only be disseminated to those entities authorized for dissemination that are listed under RCW 10.97.050.

Examples of authorized criminal justice recipients of CHRI include:

- Police Officers
- Communications Officers
- Prosecutors
- Courts

Examples of non-criminal justice entities prohibited from being provided CHRI include:

- Defense Attorneys
- Public Defenders
- Members of public

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.

#### **806.4.1 RELEASE OF PROTECTED INFORMATION**

Protected information such as CHRI may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Police Records Specialist.
- (b) The CID Supervisor or designee.
- (c) Personnel specifically designated in writing by the Chief of Police or designee.



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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 Police Records Specialist 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 Records to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Anytime CHRI is released by a Police Records Specialist or the CID Supervisor or designee, the appropriate log entry shall be made documenting the release of the information. The Department maintains two CHRI Dissemination Logs; one located in Records, and the other in CID. All secondary dissemination of a criminal history record must be logged. Log entries must include:

- Full name of criminal justice agency receiving CHRI
- The name of the person for whom the CHRI pertains to
- Date of dissemination
- Reason for dissemination (e.g. case number or specific reason)

CHRI released or sent electronically shall be encrypted.

#### 806.4.2 RELEASE OF PROTECTED INFORMATION TO FIELD PERSONNEL

Criminal History Record Information (CHRI) conviction information, shall not be transmitted by radio. This information may be relayed via voice to an officer's cellular telephone but not via text or any other type of wireless transmission to members in the field.

CJI obtained from federal, state or local data bases such as outstanding warrant information, drivers status, and department of corrections status may be relayed via radio to field personnel or via in vehicle mobile data connection. This information may also be relayed via phone transmission from the communications center to the field officers' cellular device.

Information obtained via ACCESS can only be for criminal justice purposes. Obtaining information through ACCESS for private business or personal reasons or furnishing any information obtained from these data bases is prohibited.

#### 806.4.3 EXPUNGEMENT ORDERS

Expungement orders from a court shall be forwarded to Police Records for processing by the Police Records Specialist.

Police Records shall:

- Delete the subject's name from all computer files related to the order.
- Delete the subject's name from the case file.
- Delete the arrest file.

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Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

#### **806.4.4 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

#### **806.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Superior Court regarding the release of juvenile offender records. Refer to RCW 13.50 for more specific information regarding cases involving juveniles.

#### **806.6 REVIEW OF CRIMINAL OFFENDER RECORD**

RCW 10.97.080 provides the authority and procedure whereby an individual may review his/her own criminal history record.

Individuals shall be allowed to review their arrest or conviction record on file with the Department only after complying with all legal requirements in accordance with RCW and/or rules promulgated in the ACCESS Operations Manual.

#### **806.7 SECURITY OF PROTECTED INFORMATION**

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).

CHRI and CJI shall be stored in Police Records where adequate security is provided. CHRI and CJI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CHRI and CJI stored in Police Records shall be restricted to Police Records personnel authorized to release it. Direct access to CHRI and CJI stored in desks, file cabinets, and rooms outside Police Records shall be restricted to those persons who possess both the right to know and the need to know the information.

All breach of security incidents involving protected information shall be immediately reported to the department TAC and Professional Standards Commander (RCW 19.255.010).

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#### 806.7.1 ACCESS TO CJIS SECURE AREAS

**CJIS area** - A physically secure location is a facility, a criminal justice conveyance, or an area, a room or a group of rooms within a facility with both the physical or personnel security controls sufficient to protect CJI and associated information systems. This physically secure location is subject to criminal justice agency management control.

The perimeter of a physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled and secured.

**Visitor access** - A visitor is defined as a person who visits the agency on a temporary basis and is not employed by the Police Department and has no unescorted access to physically secure locations within the agency where CJI and associated information systems are located.

Visitors must:

- (a) Be accompanied by a criminal justice employee at all times to include delivery or service personnel. An escort is defined as authorized personnel who accompany a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
- (b) All visitors shall sign in and out using a department authorized visitor log.
- (c) Show a valid form of photo identification.
- (d) Follow the policy for unescorted access.
- (e) Not be allowed to view screen information.
- (f) Be escorted to a public area of the facility when they do not have any legitimate business in the restricted area. Strangers in a physically secure area without an escort should be challenged.
- (g) Are not allowed to sponsor another visitor.
- (h) Photographs are not allowed without permission of the Police Department.
- (i) Be referred to the proper agency point of contact for requests for tours or extended periods of visitation.

**Authorized Personnel** - The agency shall develop and keep current a list of personnel with authorized access to the physically secure location (except for those areas within the facility officially designated as publicly accessible) or shall issue credentials to authorized personnel. The agency shall control all physical access points and shall verify individual access authorizations before granting access.

The agency shall control physical access by authenticating visitors before authorizing escorted access to the physically secure location. The agency shall escort visitors at all times and monitor visitor activity. Authorized personnel shall take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

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All personnel that are not visitors and not escorted and do have CJI physical and logical access must:

- (a) Meet the minimum personnel screening requirements prior to CJI access.
- (b) The agency must conduct a state of residency and fingerprint-based background check. If a record of any kind exists, access to CJI or physically controlled areas shall not be granted until ACCESS reviews the matter and determines access is appropriate.
  - 1. If a felony conviction of any kind exists, the agency shall deny access to CJI or unescorted access to the physically secure location. However, the agency may ask ACCESS for review in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.
  - 2. Applicants with a record of misdemeanor offense may be granted access if ACCESS determines the nature or severity of the misdemeanor offense does not warrant disqualification. This same procedure applies if the person is found to be a fugitive or has an arrest record without conviction.
  - 3. If any record of any kind is found on an applicant contractor, ACCESS shall be formally notified, and the system/location access shall be delayed pending review of the criminal history record information.
  - 4. If a person appears to be a fugitive or has an arrest history without conviction, ACCESS shall review the matter to determine if access to CJI secured areas is appropriate.
  - 5. If the person already has access to CJI secure areas and is subsequently arrested or convicted, continued access to CJI secure areas shall be determined by ACCESS. This does not grant hiring/firing authority to ACCESS, only the authority to grant access to CJI and CJI secured areas.
  - 6. If ACCESS determines that access to CJI secure areas by the person would not be in public interest, access shall be denied, and the person's appointing authority shall be notified in writing for the access denial.
  - 7. The agency shall maintain a list of personnel who have been authorized unescorted access to CJI secure areas and shall, upon request, provide a current copy of the list to ACCESS.
- (c) Complete Security Awareness training within six months of being granted access and annually thereafter. Failure to renew training annually may result in loss of access to CJI secure areas.

#### 806.7.2 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in Communications Center and in the Criminal Investigations Division to preclude access by unauthorized persons. All computer terminal equipment capable of providing access to automated criminal offender record information is secure and password protected. Anytime a member performs a CHRI query, an entry documenting the query shall be made on the Interstate Identification Index log associated with the computer terminal used. Employees are

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not authorized to operate computer terminal equipment with access to CHRI until the appropriate training has been completed.

Department computers on the CJIS network shall be used in accordance with Port Policy CC-7. System users have no expectation or right of privacy regarding their use of department computers, services or devices. The department at its discretion may monitor, log, analyze, as well as review user's information systems and services usage and activity as well as electronic communications. Personal use of any CJIS computer is prohibited. Users shall access software and applications necessary to complete their work duties only.

CJI information shall not be saved to any computer desktop, cloud computing services or shared drives or stored to any other additional drives. Users shall lock devices when not attended, protect passwords, not share passwords, and report any lost or stolen devices immediately.

#### **806.7.3 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 the security of the CHRI documents they receive and returning documents to Records for destruction.

**Disposal of Physical Media** - Physical media shall be securely disposed of when no longer required, using formal procedures. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witness or carried out by authorized personnel.

#### **806.8 TRAINING PROGRAM**

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.

**ACCESS training** - All Police department members authorized to access federal, state, and local data based or release protected information shall complete the ACCESS training certification program that complies with protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination within six months of hire. The TAC (Technical Agency Coordinator) shall coordinate the course to provide training in the proper use, control, and dissemination of CHRI. Users must renew that training annually and will be subject to a re-background check.

**Security Awareness training** - All Police department members that do not have a need to access federal, state and local data bases or release protected information but have access to CJI and physically secure areas shall complete the basic security awareness training within six months of hire date and then completed annually thereafter.

#### **806.9 MISUSE OF RECORDS**

Access to CHRI and CJI shall only be used for official law enforcement business. All users of the ACCESS system must be certified at their appropriate level annually. Department personnel that

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are not ACCESS users are required to have completed CJIS training annually and a fingerprint-based background check.

The TAC is responsible for adherence to regulations and notification of CJIS violations to the ACCESS section. Violation of the rules, regulation, policies or procedures developed by NCIC and adopted by the WSP or any other misuse or abuse of the ACCESS system or data retrieved from those databases may result in disciplinary measures and/or criminal prosecution.

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 federal CJIS policy and the Standards of Conduct Policy. Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the POSPD **Standards of Conduct** Policy.

#### **806.10 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).

#### **806.11 PENALTIES**

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and include loss of access privileges, civil and criminal prosecution and/or termination. Violation by any visitor can result in similar disciplinary action against the sponsoring employee and can also result in termination of services against the sponsoring agency and can also result in termination of services with any consulting organization or prosecution in the case of criminal activity.

# Records

## 807.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Port of Seattle Police Department Records. The policy addresses department file access and internal requests for case reports.

### 807.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within Records by Records personnel.

Reports are numbered commencing with the four digits that correspond with the current year followed by a sequential number beginning with 0001 starting at midnight on the first day of January of each year. As an example, case number 16-0001 would be the first new case beginning January 1, 2016. Arrest jackets are filed alphabetically.

### 807.1.2 NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

The Port of Seattle Police Department participates in the National Incident Based Reporting System (NIBRS). The Police Records Specialist is responsible for ensuring that NIBRS reports are provided to WASPC on a regular basis.

## 807.2 POLICY

It is the policy of the Port of Seattle Police Department to maintain department records securely, professionally, and efficiently.

## 807.3 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 section accessible only to authorized Records personnel. Access to report files after hours or when Records personnel are otherwise not available may be obtained through sergeants or above.

Closed case files shall contain all investigative documentation (hardcopy and digital media as applicable) related to a case, to include, but not limited to:

- Original investigative notes (e.g. handwritten notebook entries, sketches, etc.).
- E-mails, Outlook calendar entries, and other electronic communications.
- Records of statements, interviews, evidence and photo logs.
- Results of examinations of physical evidence, medical reviews, etc.
- Case status reports and intra-departmental communications.
- All audio tapes, videos, photographs, and digital images.

Port of Seattle 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

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format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### **807.3.1 REQUESTING ORIGINAL REPORTS**

Generally, original reports shall not be removed from the Records section. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Police Records Specialist. All original reports removed from the Records section shall be recorded on the Audit Sheet which shall constitute the only authorized manner by which an original report may be removed from the Records section.

#### **807.3.2 RECORDS CONCERNING JUVENILES (CALEA 82.1.2)**

The Police Records Specialist shall be responsible for ensuring that the following files, when involving juveniles, are distinguishable and maintained separately from adult files:

- Photos
- Fingerprints
- Booking information
- Other identifying information
- Any report in which a juvenile is named as a suspect in a crime.

The records management system allows for the separation of adult and juvenile criminal cases.

Juvenile arrest jackets containing copies of the booking information, photos, fingerprint cards (if taken) or other identifying information are kept separate from the adult files and securely stored within the Records Section. These juvenile arrest files shall be physically marked with the unique identifier "JUV" distinguishing them from the adult files.

Not every juvenile case generates an arrest, but might still contain fingerprints, photos or other forms of identification. The case information will be stored in the numerical case files in Records. To make the distinction juvenile information (e.g., photos, fingerprints, or other forms of identification) is contained in the numerical case files, a blue sheet of paper stating, "Important Notice, Juvenile information included in this file (i.e., fingerprint cards, photos, other form of ID)" will be attached to the case file.

Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Police Records Specialist shall ensure that all records pertaining to that juvenile are destroyed within 30 days (RCW 13.50.270).

#### **807.4 COURT ORDERS**

The Communications Specialist shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system (via the Communications Center) for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Communications Specialist shall see



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that the order is removed from the applicable system (via the Communications Center) (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

The Communications Specialist 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).

#### **807.5 RESPONSIBILITIES**

##### **807.5.1 RECORDS MANAGER**

The Chief of Police shall appoint and delegate certain responsibilities to the Police Records Manager. The Police Records Manager shall be directly responsible to the Administrative Services Division Deputy Chief. The responsibilities of the Police Records Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Records.
- (b) Scheduling and maintaining Records time records.
- (c) Supervising, training, and evaluating Records staff.
- (d) Maintaining and updating a Records procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the POSPD **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
- (h) Overseeing public disclosure requests for the department.
- (i) Overseeing the sharing of body worn camera video with our court partners.

##### **807.5.2 POLICE RECORDS SPECIALIST**

The Police Specialist assigned to Records shall be known as the Police Records Specialist and shall directly report to the Police Records Manager. The responsibilities of the Police Records Specialist 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.

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- (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) Processing public disclosure requests.
- (j) Review and ensure that body worn camera video is shared with our court partners.

#### **807.6 CONFIDENTIALITY**

Records staff has access to information that may be confidential or sensitive in nature. Records 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 POSPD **Records Maintenance and Release** and **Protected Information** Policies.

# Records Maintenance and Release (CALEA 82.1.1)

## 808.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the POSPD **Protected Information** Policy.

## 808.2 POLICY

The Port of Seattle 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.) and other applicable laws.

## 808.3 PUBLIC RECORDS RESPONSIBILITIES AND POINT-OF-CONTACT

The Police Records Manager is responsible as the point-of-contact for members of the public when requesting disclosure of public records and in overseeing the agency's compliance with the public records disclosure requirements.

The Police Records Manager is responsible for identifying responsive records, determining and applying appropriate exemptions to release of records as permitted by law, and providing records to the requestor.

Police Department Staff are responsible for:

- (a) Forwarding all public records requests received in any format to the Records Manager for response.
- (b) Providing all responsive records to the Records Manager or other appropriate location pursuant to policy or upon request.
- (c) Providing relevant information to the Records Manager regarding incidents, reports, and investigations to assist in fulfilling requests.

## 808.4 PUBLIC RECORDS REQUEST PROCESSES

Public records requests of this department shall be processed consistently with the Port of Seattle Policy EX-19, Access to Port Public Records.

## 808.5 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Police Records Manager or Police Records Specialist for review and processing. While a subpoena duces tecum may ultimately be complied with, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys), are complied with.

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### *Records Maintenance and Release (CALEA 82.1.1)*

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All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **808.6 RELEASED RECORDS TO BE MARKED**

Written records released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released on the audit sheet.

#### **808.7 EXPUNGEMENT**

Expungement orders received by the Department shall be reviewed for appropriate action by the Police Records Specialist. The Police Records Specialist shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

#### **808.8 RECORDS RETENTION**

All Department records shall be retained in accordance with the Washington State Records Retention Schedule.

#### **808.9 SECURITY BREACHES**

Members who become aware that any Port of Seattle Police Department system containing personal information may have been breached shall notify a supervisor and the Police Records Manager as soon as practicable. Data breaches shall be handled consistent with state law (RCW 42.56.290).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **808.10 PUBLIC RECORDS POINT-OF-CONTACT TRAINING**

The Police Records Manager and Police Records Specialist should complete a training program and refresher consistent with state law (RCW 42.56.152).

# Restoration of Firearm Serial Numbers

## 809.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

## 809.2 PROCEDURE

Any firearm coming into the possession of the Port of Seattle Police Department as evidence, found property, etc., where the serial numbers have been altered, removed or obliterated will be processed in the following manner:

### 809.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber contents. If the weapon will be processed for DNA or fingerprints, do not unload the ammunition from the magazine.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 809.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated/altered serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

### 809.2.3 OFFICER RESPONSIBILITY

The property and evidence technician receiving a firearm when the serial numbers have been removed, altered or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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#### **809.2.4 DOCUMENTATION**

Photograph the weapon, including close-ups of the weapon's markings and the damaged/altered serial numbers.

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **809.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the crime laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) eTrace or fax the trace request to the local BATF field office.

#### **809.3 OTHER CONSIDERATIONS**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes. When firearms are submitted to the WSP crime lab for serial number restoration, the lab request form shall indicate a request for IBIS testing if the firearm is eligible.

# Telephone Communications

## **810.1 PURPOSE AND SCOPE**

All employees shall answer calls promptly, courteously, and in a businesslike manner, identifying the department (or unit) and themselves. Every reasonable attempt shall be made to supply callers with requested information, assistance or proper referrals. Communications specialists shall follow their section procedures for answering calls.

## **810.2 LONG DISTANCE CALLS**

The long distance telephone system is for official Port business only; the exception being a brief call to home regarding an emergency, a change in travel plans, or a change in duty hours. All other personal calls shall be made at the employee's expense on public or personal equipment. Occasional use of the department's local telephone service for personal business is permissible when deemed not to cost the department time or money (e.g., local call on a break).

## **810.3 CELLULAR TELEPHONE**

The Port permits the limited use of department issued cellular telephones for personal use. Upon receipt of the monthly billing, the employee shall highlight personal calls, total the personal minutes used, and remit payment to the Port within 15 days. Failure to properly note personal calls or pay promptly shall be cause for removal of a department issued cellular telephone and subject the employee to progressive discipline.

## **Chapter 9 - Custody**



# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into Port of Seattle Police Department facilities, properties, and/or vehicles. 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.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Pat-Down Search ("Frisk")** - The normal type of search used by officers in the field to check a detained individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other individuals.

**Custody / Arrest 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, contraband, and/or evidence. Custody / Arrest searches occur in the field, normally after handcuffing, and prior to transportation (see Field and Transportation Searches section below).

**Police Facility ("Booking") Search** - A search used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs and folds of the clothing are checked to locate all personal property, contraband, weapons and/or evidence. The prisoner's personal property is taken and inventoried (see Searches at Police Facilities section below).

**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 (see Physical Body Cavity Search section below).

**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 (see Strip Searches section below).

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

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#### **900.3 FIELD AND TRANSPORTATION SEARCHES (CALEA 70.1.1)**

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal, "pat-down" search of that individual.

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle in an effort to locate all personal property, contraband, weapons or evidence.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

#### **900.4 SEARCHES AT POLICE FACILITIES**

Booking searches shall be conducted on all individuals in custody, upon entry to the Port of Seattle Police Department facilities and prior to being placed in a detention room.

Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **900.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Port of Seattle Police Department identification number and information regarding how and when the property may be released.

##### **900.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be

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placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **900.5 STRIP SEARCHES**

No individual in temporary custody at any Port of Seattle 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).

Officers conducting a strip search will not touch an individual's private body parts being searched except as reasonably necessary to effectuate the search.

#### **900.5.1 DOCUMENTATION OF A STRIP SEARCH**

Anytime a strip search is performed, the involved officer shall document in the associated case report the location of the search, the results of the search, the names of any other officers or personnel that were present during the search and any other information that may be applicable.

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#### 900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with on-duty shift supervisor 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 on-duty shift supervisor authorization does not need to be in writing.

#### 900.5.3 RESTRICTIONS

Strip searches should be limited to those situations where such searches are necessary. Reasonable efforts to use less intrusive methods, such as pat-downs, electronic metal detector or clothing searches shall be made prior to any strip search (RCW 10.79.060; RCW 10.79.140).

#### 900.5.4 JUVENILES

In addition to the above, the following will also apply to juveniles:

- (a) All attempts will be made to notify a parent or legal guardian of the juvenile prior to conducting the strip search.

#### **900.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the on-duty shift supervisor and only upon a search warrant. If authorization from the on-duty shift supervisor is received electronically, it shall be printed and signed by the on-duty shift supervisor as soon as possible (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

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- (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 on-duty shift supervisor 's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date, location and description of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the department (RCW 10.79.080).
- (h) The on-duty shift supervisor may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

#### 900.6.1 CONDUCTING PHYSICAL BODY CAVITY SEARCHES

Physical body cavity searches shall be conducted as follows:

- (a) Persons conducting the search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.
- (b) The search must be performed under sanitary conditions.
- (c) The search must be conducted by a physician, registered nurse, or physician's assistant.
- (d) Privacy will be afforded to the person. This includes dressing and undressing. Persons not physically conducting the search may not be present during the search, dressing,

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undressing, etc., unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

- (e) The search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (c) above.

#### **900.6.2 DOCUMENTATION OF A PHYSICAL BODY CAVITY SEARCH**

The officer requesting a physical body cavity search shall prepare and sign a report regarding the body cavity search, which shall include (RCW) 10.79.080(4):

- (a) A copy of the written authorization required under Policy Manual § 902.6(a).
- (b) A copy of the warrant and any supporting documents.
- (c) The name and sex of all persons conducting or observing the search.
- (d) The time, date, place and description of the search.
- (e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

#### **900.7 TRAINING**

The Professional Standards Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The search must be conducted by a physician, registered nurse, or physician's assistant.

#### **900.8 LIABILITY**

The Revised Code of Washington expressly provides that a person who suffers damage or harm as a result of an improper search may bring a civil action to recover damages (RCW 10.79.110).

The agency and its employees are not liable for injury, death, or damage caused by a person in custody when the injury, death or damage was made possible by contraband that would have been discovered sooner but for the delay caused by having to seek a search warrant (RCW 10.79.170).

#### **900.9 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.

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#### **900.10 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 POSPD ***Medical Aid and Response*** Policy for additional guidance).

# Prison Rape Elimination

## 901.1 PURPOSE AND SCOPE

This policy provides basic information regarding the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes, "lock-up" standards (i.e., PREA Final Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Port of Seattle Police Department Temporary Holding Facilities (28 CFR 115.111).

A copy of the Department of Justice's PREA lock-up final rule is posted on SharePoint and is accessible by all members for further reference.

### 901.1.1 "LOCK-UP" DEFINED

**Lock-up** - A facility that contains holding cells, cell blocks, or other secure enclosures that are (28 CFR 115.5):

- (a) Under the control of a law enforcement, court, or custodial officer; and
- (b) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison or other agency

## 901.2 POLICY

The Port of Seattle Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Port of Seattle Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

## 901.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Port of Seattle Police Department Temporary Holding Facilities (28 CFR 115.111).

## 901.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment



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During intake the department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **901.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the on-duty shift supervisor any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### **901.4.2 SUPERVISOR RESPONSIBILITIES**

The on-duty shift supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the on-duty shift supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the on-duty shift supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The on-duty shift supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

#### **901.5 INVESTIGATIONS**

The department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who

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have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### 901.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

#### 901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Port of Seattle Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the prosecuting attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

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#### **901.5.3 ADMINISTRATIVE INVESTIGATIONS**

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

#### **901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS**

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

#### **901.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the Chief Executive Officer. The Chief of Police or Chief Executive Officer shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

#### **901.6 RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

#### **901.7 REVIEWS**

##### **901.7.1 INCIDENT REVIEWS**

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days

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of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

#### **901.7.2 DATA REVIEWS**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Port of Seattle Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **901.8 RECORDS**

The department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

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#### **901.9 TRAINING**

All employees, who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Professional Development Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Professional Development Sergeant shall maintain documentation that employees and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

The agency shall provide annual refresher information to all employees who may have contact with prisoners to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

## Temporary Custody of Juveniles

### 902.1 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 Port of Seattle Police Department (34 USC § 11133).

The Port of Seattle Police Department comes in contact with juveniles for a variety of reasons involving both criminal and non-criminal matters. In all instances, it shall be the priority of department personnel to ensure the welfare and protect the constitutional rights of juveniles. Officers have a responsibility to take action in non-criminal situations involving juveniles, to include juveniles who are abused, neglected, requesting help, in physical or psychological danger, in at-risk situations, or are perpetrators or victims of crime. In all cases in which a juvenile is taken into custody, reasonable attempts will be made to contact the juvenile's parent / guardian as soon as possible concerning the current status and allegations made against the juvenile. All case files regarding juveniles shall be forwarded to the Criminal Investigations Division Sergeant for review and potential follow-up.

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile** - Any individual who is 17 years of age or younger. Also referred to as "under the chronological age of 18," "youth," and/or "child."

**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 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.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

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- (b) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact.

**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.

#### **902.2 POLICY**

The Port of Seattle 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 Port of Seattle Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

##### **902.2.1 CRIMINAL JUSTICE AND SOCIAL SERVICE DIVERSION PROGRAMS**

The Port of Seattle Police Department, in accordance with the King County Juvenile Prosecutor's Office and the Washington State Juvenile Justice Act, will participate in the King County Juvenile Court's Diversion Program. Eligibility to enter this program will be determined by the King County Juvenile Prosecutor's Office.

This is a recognized program seen as an alternative to juvenile filing procedures. Factors for consideration are the juvenile's age, offense, and past criminal behavior. This program is directly tied to many existing community based rehabilitation programs.

The Port of Seattle Police Department follows the provisions of the Revised Code of Washington specifying the method of handling highly intoxicated persons (RCW 70.96.A), and mental health commitments (RCW 71.05., RCW 10.77). Most often subjects taken into custody under these two conditions are not under arrest, and as such there is no diversion program available.

#### **902.3 TEMPORARY CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

- Pursuant to a court order.
  - When directed to do so by Child Protective Services (CPS) if CPS has obtained a court order for the juvenile's custody.

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- Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- When their parole has been suspended.

Furthermore, a juvenile offender may not be held in detention unless there is probable cause to believe (RCW 13.40.040(2):

- (a) The juvenile has committed an offense or has violated the terms of a disposition order.
  - The juvenile will likely fail to appear for further proceedings.
  - Detention is required to protect the juvenile from themselves.
  - The juvenile is a threat to community safety.
  - The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.
  - The juvenile has committed a crime while another case was pending.
- (b) The juvenile is a fugitive from justice.
- (c) The juvenile's parole has been suspended or modified.
- (d) The juvenile is a material witness.

Officers should take custody of a child and temporarily hold the child at the Port of Seattle Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the **Child Abuse** Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Port of Seattle Police Department without authorization of the arresting officer's supervisor or other on-duty shift supervisor.

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

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond two hours from the time of his/her entry into the Port of Seattle Police Department (34 USC § 11133; RCW 13.04.116(b)).

#### 902.3.1 CONDITIONS OF DETENTION

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities.
- (b) Access to drinking water.
- (c) Immediately after being taken to a place of temporary confinement, and except where physically impossible, no later than one hour after being taken into custody, provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney.
- (d) Privacy during visits with family, guardian, or lawyer.



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- (e) Blankets and clothing necessary to assure the comfort of the juvenile (clothing shall be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

#### **902.3.2 NON-CONTACT REQUIREMENTS**

There shall be no contact, including visual or audible, between juveniles held in temporary custody (either non-secure or secure detention) and adult detainees.

Contact between juveniles in temporary custody, both secure and non-secure, and adult detainees shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult detainees allowed.
- (b) If an adult detainee is present with the juvenile in the same room or area, a Port of Seattle Police Department employee trained in the supervision of detainees shall maintain a constant side-by-side presence with either the juvenile or adult detainee to assure there is no communication between the juvenile and adult detainee.
- (c) Situations in which a juvenile and adult detainee may be in the same room or corridor shall be limited to:
  - 1. Booking.
  - 2. Medical screening.
  - 3. Movement of persons in custody within the Port of Seattle Police Department.

#### **902.4 NON-CUSTODIAL INTERVIEWS / CUSTODIAL INTERROGATIONS OF JUVENILES (CALEA 44.2.3)**

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.

An officer shall advise juveniles of their constitutional rights per *Miranda*, including the juvenile warnings, and an officer shall permit a juvenile to consult with legal counsel in person, by telephone, or by video conference if the officer:

- (a) Conducts a custodial interrogation, including the waiver of *Miranda* rights.
- (b) Detains a juvenile based on probable cause of involvement in criminal activity.
- (c) Requests the juvenile provide consent to an evidentiary search of the juvenile.
- (d) Requests the juvenile provide consent to an evidentiary search of the juvenile's property, the juvenile's dwellings, or vehicles under the juvenile's control.

The legal consultation may not be waived by the juvenile. Statements made by a juvenile after contact with a law enforcement officer under any of the circumstances described in (a)-(d) above are not admissible in a legal proceeding unless:

- (a) The juvenile knowingly, intelligently, and voluntarily provides an express waiver of their constitutional rights after:
  - 1. Having been provided access to an attorney for consultation.
  - 2. Having been fully informed of the rights being waived.

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- (b) The statement is for impeachment purposes.
- (c) The statement is made spontaneously.

The requirement to consult with legal counsel does not apply when (RCW 13.40.740):

- (a) The officer believes the juvenile is a victim of trafficking (as defined by RCW 9A.40.100).
- (b) The officer believes the information is necessary to protect an individual's life from an imminent threat.
- (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 with legal counsel, any assertion of constitutional rights by the juvenile through legal counsel, parent, or guardian 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). If a juvenile is under twelve years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection on behalf of the juvenile.

Officers should reasonably accommodate a parent or guardian's request to be present during an interview or interrogation of their juvenile. In most cases, the investigating officer will confer with the juvenile and parents / guardians prior to the interview or interrogation to:

- (a) Explain agency and juvenile justice system procedures.
- (b) Advise of the reason for the interview or interrogation.

#### 902.4.1 RECORDING OF INTERVIEWS OR INTERROGATIONS

Interrogations or interviews of juvenile suspects shall be audio and video 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.

#### 902.4.2 YOUTH ACCESS TO COUNSEL (YAC) LINE

The Washington State Office of Public Defense (OPD) is responsible for providing attorneys for juveniles to consult with (Chapter 328, Laws of 2021). The Youth Access to Counsel (YAC) Line is staffed 24 hours per day and 7 days per week by attorneys available to answer calls and provide legal consultation to juveniles. The YAC phone number is 1-877-J-PUB-DEF (1-877-578-2333).

The following are tips for using the YAC Line:

- When you call the YAC line, you will be prompted to enter your badge number and then will be connected directly to a YAC Attorney.
  - Multiple attorneys will always staff the line, so if more than one youth needs attorney assistance, inform the YAC Attorney that you have multiple people involved.

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- Speak to the YAC Attorney, who will ask you some basic questions about the situation.
  - If the youth requires an interpreter, alert the YAC Attorney.
- When the YAC Attorney is ready, place the youth on the line.
  - The conversation between attorney and youth must be private and cannot be recorded.
  - You must remain out of range sufficiently to ensure that you do not hear the conversation.
- When the youth is finished, you must speak to the YAC Attorney again.
  - The attorney will advise you as to how the youth will proceed.
  - If you are advised by the attorney that the youth is asserting their constitutional rights, then that is the end of the inquiry.
  - Never ask the youth what was discussed with the attorney.

#### **902.5 REQUIREMENTS FOR DETENTION**

Detentions of juveniles at the Port of Seattle Police Department may only occur when there is probable cause to believe that (RCW 13.40.040(2)):

- (a) The juvenile has committed an offense or has violated the terms of a disposition order; and
  1. The juvenile will likely fail to appear for further proceedings; or
  2. Detention is required to protect the juvenile from himself or herself; or
  3. The juvenile is a threat to community safety; or
  4. The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
  5. The juvenile has committed a crime while another case was pending.
- (b) The juvenile is a fugitive from justice.
- (c) The juvenile's parole has been suspended or modified.
- (d) The juvenile is a material witness.

##### **902.5.1 SECURE DETENTION OF JUVENILES**

A juvenile may be locked in a room or secured in a temporary detention room subject to the following conditions:

- (a) Juvenile is taken into custody on the basis of having committed a criminal law violation.
- (b) Detention in a locked or secured room does not exceed a total of 2 hours.
- (c) Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to the Juvenile Detention Center.

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- (d) The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:
  - 1. Age, maturity, and delinquent history of juvenile.
  - 2. Severity of offense for which taken into custody.
  - 3. Juvenile's behavior.
  - 4. Availability of staff to provide adequate supervision or protection of the juvenile.
  - 5. Age, type, and number of other individuals detained at the facility.

#### 902.5.2 SUPERVISION AND SECURITY OF JUVENILES IN SECURE DETENTION

While in secure detention, minors may be locked in a room or other secure enclosure or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm.

- (a) Minors held in secure detention shall not be secured to a stationary object at any time.
- (b) In the event a minor is held inside a locked enclosure, the minor shall receive adequate supervision which, at a minimum, includes:
  - 1. Constant auditory access to staff by the minor.
  - 2. Unscheduled personal visual supervision of the minor, no less than every 15 minutes. These checks shall be documented.
- (c) Males and females shall not be placed in the same locked room.

#### 902.5.3 JUVENILE DETENTION ROOMS

Whenever any juvenile is confined in a detention room at the Port of Seattle Police Department the officer or detective present shall comply with the following:

- (a) It is the officer's responsibility to notify the on-duty shift supervisor a temporary detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of 2 hours.
- (b) Any juvenile placed in a locked temporary detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the on-duty shift supervisor shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved and the circumstances will be documented.
- (c) A written record will be maintained on the Booking Module. This log will include:
  - 1. Identifying information about the juvenile being held.
  - 2. Date and time of arrival and release from the Port of Seattle Police Department.
  - 3. On-duty shift supervisor notification and approval to temporarily hold the juvenile.
  - 4. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

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5. Any changes in status.
  6. Time of all welfare checks.
  7. Any medical and other screening requested and completed.
  8. Circumstances justifying any secure custody.
- (d) It is the responsibility of the handling officer to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. When an officer is not available, the on-duty shift supervisor, or his/her designee, shall be responsible for monitoring the detention of the juvenile, and ensure that appropriate paperwork is prepared to process the juvenile out of the custody of this department. In all cases of a juvenile detention, the on-duty shift supervisor shall be notified of the detention, and, when applicable, the name of the officer taking responsibility for the detention and processing of the juvenile.
- (e) A thorough inspection of the temporary detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage or contraband noted to the room shall be photographed and documented in the crime report.

#### 902.5.4 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a temporary detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the arresting officer until the juvenile is released from the custody of the Port of Seattle Police Department.

#### 902.5.5 MONITORING OF JUVENILES

The juvenile should be monitored by the video system during the entire temporary detention. An in person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once every fifteen minutes until the juvenile is released. This inspection shall not be replaced by video monitoring. The visual inspection shall be logged in the booking module.

#### 902.5.6 FORMAL BOOKING

No juvenile shall be formally booked into a juvenile detention facility without the authorization of the on-duty shift supervisor. As part of this authorization process the juvenile detention facility should be contacted to confirm they will accept the juvenile.

Any juvenile who is taken into custody for a felony or gross misdemeanor or any juvenile whose acts amount to a sex crime, shall be fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the on-duty shift supervisor or Detective Sergeant, giving due consideration to the following:

- (a) The gravity of the offense.

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- (b) The past record of the offender.
- (c) The age of the offender.

#### 902.5.7 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
  - 1. Parent or legal guardian.
  - 2. An adult member of his/her immediate family.
  - 3. An adult person specified by the parent/guardian.
  - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the on-duty shift supervisor.
- (b) If the two hour time limit has expired, the juvenile should be transported to the juvenile detention center to accept custody.
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
  - 1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
  - 2. If the arresting officer or the on-duty shift supervisor believes further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective.
  - 3. The arresting officer may complete all required reports and forward them to the Criminal Investigations Division for processing. If a criminal complaint is to be filed, the assigned detective shall forward the case report to the appropriate prosecutor. The prosecutor's office is responsible for the issuing of any subsequent summons.
  - 4. The juvenile may be transferred to the Youth Services Center (YSC) with authorization of the appropriate supervisor or the on-duty shift supervisor.
- (d) If a juvenile is to be transported to YSC, the following forms shall accompany the juvenile:
  - 1. Copies of all associated incident/crime reports.
  - 2. Any other forms as required by the YSC.
  - 3. Any personal property taken from the juvenile at the time of detention.

#### **902.6 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Port of Seattle Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed

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- (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 Port of Seattle 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.

#### **902.7 JUVENILE CONTACTS AT SCHOOL FACILITIES**

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or interview of a juvenile student on campus, the officer should:
  - 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
  - 2. If efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent.
  - 3. If contacted, the selected parent, other responsible adult, or school official may be permitted to be present during any interview.
    - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
    - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
- (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide

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comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

1. To ensure that each case is investigated thoroughly while minimizing the trauma to child victims and to facilitate collaborative and thorough investigations of child sexual abuse cases, the County Child Sexual Abuse Investigation Protocol should be adhered to (RCW 26.44.180).

#### **902.8 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.

##### **902.8.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER**

A copy of the current policy of the Superior Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

##### **902.8.2 RELEASE OF INFORMATION TO OTHER AGENCIES**

It shall be the responsibility of the police specialist assigned to records and the appropriate detective supervisor to ensure service bureau personnel act within legal guidelines in the release of information to other agencies.

#### **902.9 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES**

##### **902.9.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, medical aid will be called. An on-duty shift supervisor shall be promptly notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the medical aid. The juvenile will then be transported to a medical facility, if appropriate.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the parent, guardian, or person standing in loco parentis, of the juvenile shall be notified as soon as possible.

##### **902.9.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.



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The detaining or transporting officer is responsible to promptly notify an on-duty shift supervisor if he/she believes the juvenile may be a suicide risk. The on-duty shift supervisor will then arrange to contact a mental health team for evaluation, or to contact YSC and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

#### 902.9.3 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile in custody or care.

#### 902.9.4 FEEDING OF JUVENILES (CALEA 71.3.1A)

Meals are normally not provided to juveniles being held in the temporary detention facility. If any meals are provided the occurrence will be documented within the case report narrative and booking module.

#### 902.9.5 STRIP / BODY CAVITY SEARCHES OF JUVENILES (CALEA 1.2.8C)

Strip and/or body cavity searches of juveniles in custody shall be in accordance with the POSPD ***Custodial Searches*** Policy.

#### 902.10 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Port of Seattle Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A juvenile who is intoxicated to the level of being unable to care for him or herself.
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated.

- (a) A juvenile detained and brought to the Port of Seattle Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
  1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.

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2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
  3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the temporary custody of the Port of Seattle Police Department. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audible monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.
  - (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Medical aid should be called and the juvenile taken to a medical treatment facility.
  - (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
  - (e) A medical clearance is required before the juvenile is transported to Youth Service Center if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 15-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

## Temporary Detention Facility

### 903.1 PURPOSE AND SCOPE

The department maintains a holding facility for the temporary restraint and custody of persons held for investigation or the booking process, until they are removed to other facilities or cited and/or released. This facility is also used by other law enforcement agencies on a temporary basis for persons in their custody and control during brief stopovers. Only those adults legally arrested or under legal authority to be detained, shall be placed in this holding facility. Juveniles who are detained or arrested for status offenses shall not to be placed in a detention room; instead they shall be held in the interview room under constant supervision.

All detainees, including juveniles and those who are in transit by an outside agency, shall be logged in and out of the booking module. The booking module entry shall note the offense(s), time in and time out of the facility and any status checks performed on the detainee. For detainees in transit, the underlying offense must be listed.

### 903.2 LIMITATIONS AND PROCEDURES (CALEA 71.3.1)

Any time a detainee is placed in the holding facility, a shift supervisor shall be notified immediately. Such confinement shall be for the purpose of an investigation; for example to process, question or administer tests to a person in custody and shall be for as short a time as possible. Detentions in the holding facility are not to exceed two hours.

Accountability for, and supervision of the detainee is the primary responsibility of the arresting officer. Custodial activities that involve intimate physical contact, or activities that are commonly afforded reasonable protection against opposite sex observation, will only be conducted under the supervision of an officer of the same gender as the arrestee. An arrestee whose gender is in question or in transition will be assigned an officer of the same gender-identity for these activities.

Nothing in this section shall be construed to deny the power of the Chief of Police or their designee to temporarily suspend any portion of this section in the event of any emergency that threatens the safety or security of any holding facility, detainees, staff, or the public. Only such provisions as are directly affected by the emergency may be suspended.

At no time shall detainees of the opposite gender be placed in the same detention room. Female detainees and male detainees will be separated by sight and sound. Juvenile detainees will be separated by sight and sound from any adult detainees. If this cannot be accommodated, then a decision will be made to transport one or more detainees, who cannot be immediately released, to another facility such as the King County Jail or the King County Juvenile Detention Center.

No one who is unconscious shall be confined in the Port of Seattle Police Department holding facility.

Special problem detainees, including mentally disabled individuals who may endanger the health and safety of officers or other detainees shall be segregated and closely supervised while in custody. Mental Health Professionals shall be notified of the detainee's condition.

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No animal shall be secured within a detention room for any reason.

#### **903.2.1 MEALS (CALEA 71.3.1 A)**

Meals are normally not provided to persons held in the temporary detention facility. If any meals are provided the occurrence will be documented within the case report narrative.

#### **903.3 MINIMUM STANDARDS/ACCOMMODATIONS (CALEA 71.4.1)**

Each detainee shall have access to toilet, sink, drinking water, and adequate heat and ventilation. Each holding area shall remain lighted so that adequate illumination for supervision and safe custody is guaranteed. Holding areas are designed primarily for single occupant use.

#### **903.4 TIME LIMITATIONS**

No detainees will be held in the holding facility without continuous control or supervision in excess of two hours.

#### **903.5 SECURING DETAINEE TO IMMOVABLE OBJECT - PROHIBITED**

Detainees are not to be secured to an immovable object at any time while inside the temporary detention facility.

#### **903.6 FIRE PREVENTION/SUPPRESSION AND EVACUATION (CALEA 71.4.2)**

For the purposes of fire prevention, a search of each detainee will be made for all flammable items or any other materials that can be used to start a fire.

In the event of a fire, on-scene officers shall summons the fire department via the Communications Center and, if practical, utilize fire suppression equipment in an effort to contain the fire.

In the event of a fire or other emergency necessitating evacuation of personnel, the arresting officer has primary responsibility for removing the detainees from the holding facility and ensuring evacuation to a place of safety that also permits adequate security. The shift supervisor is charged with the responsibility of ensuring the detainee is properly evacuated. Initial evacuation of a detainee from the building shall be to a patrol vehicle. The detainee shall be handcuffed and taken to the patrol vehicle and placed in the rear seat with the protective partition raised. An officer shall remain with the detainee at all times. If the emergency continues, the detainee shall be transported to an appropriate jail facility.

#### **903.7 FACILITY SECURITY (CALEA 71.3.3)**

##### **903.7.1 WEAPONS CONTROL**

Weapon lockers shall be utilized at all times for all weapons during the booking of a detainee, when a detainee is removed from the detention room for custodial activities, or when officers are required to enter a detention room.

##### **903.7.2 DURESS ALARMS**

Officers encountering emergent situations in the holding facility shall request assistance by the most efficient means available:

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- Radio
- Radio panic button
- Holding facility panic button
- Telephone

#### 903.7.3 ACCESS TO AREA AND DETAINEES

Only authorized POS staff, officers, and supervisors will access the holding facility. Personnel shall only access the area that have a legitimate reason to do so; for example, to process a detainee, to check on the status of a detainee, to obtain documents or to provide maintenance to the facility. Every commissioned employee shall be issued a key to the detention rooms.

A detainee's contact with an attorney will be allowed in a secured interview room only after the attorney has passed through security control measures. In most cases, detainees who are going to remain in custody and need to confer with an attorney will be transported to the King County Jail.

#### 903.7.4 ESCAPE PREVENTION

All detainees are to remain under the continuous control and supervision of the officer placing the detainee in detention or locked into a detention room. Officers will be diligent with security measures and key control to prevent any opportunity to escape.

Restraint devices such as handcuffs, flex-cuffs, belly-chains and leg restraints will be used in accordance with existing department policy.

#### 903.7.5 RECEIPT OF PRISONERS

The arresting and/or booking officer is accountable for the supervision of the detainee and shall:

- (a) Make a thorough search of all prisoners brought into the holding facility. Female prisoners should be searched by female officers or other female staff whenever possible.
- (b) Inventory and record all property removed from the prisoner.
- (c) Secure property for safekeeping, if applicable.
- (d) Remove all hazardous items from the prisoner.
- (e) Remove belts, shoes, jackets and heavily layered clothing.
- (f) Using the department's LiveScan fingerprinting system, fingerprint all detainees who do not possess verifiable physical identification or whose identification may be in question. All felony arrestees who are to be released via investigation should also be fingerprinted. Arrestees who are to be subsequently booked into another detention facility rather than being released, will be fingerprinted by that facility, thus negating the need for in-house fingerprinting.
- (g) Photograph all arrested persons booked into the holding facility. Booking photographs shall be added to the case file.

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#### 903.7.6 HOLDING CELL INSPECTIONS (CALEA 71.4.3)

Each officer shall conduct a security / sanitation inspection of the detention room prior to securing a detainee and after the subsequent removal of a detainee. This inspection shall be for contraband, safety defects and sanitation issues. Any safety or sanitation concerns that cannot be mitigated by the officer should be reported to an on-duty supervisor to be forwarded to the appropriate entity.

In addition, the department's workplace safety representative shall ensure that the quarterly Port of Seattle Health and Safety facility inspections, inclusive of the temporary detention facility, are completed.

The contracted janitorial service personnel shall also complete, at minimum, a weekly inspection for sanitation and maintenance issues. Any issues resulting from this inspection shall be forwarded to Fleet and Supply for resolution.

#### 903.7.7 DETAINEE SUPERVISION

Officers responsible for detainees are encouraged to conduct frequent observations but will observe the detainee's welfare, in person, at least every 30 minutes. Records of these checks shall be logged into the booking module. If deemed necessary, officers may request that communications center personnel use the holding cell video system to monitor detainees. The monitoring of detainees via the video system does not preclude the responsibility of the officer to conduct the 30-minute welfare checks.

Officers should not enter a detention room where a detainee is held unless another officer is in close proximity, except in extremely unusual circumstances.

#### 903.7.8 TRAINING STANDARDS

Training on the operations and use of the temporary detention rooms is required for all department employees responsible for detainees in custody.

New officers shall be trained during their PTO process, which includes handling detainees, detention procedures and fire evacuation plans.

#### 903.7.9 PROCESSING AND TESTING SECURITY

The department's designated detainee processing and testing areas are located within the main secure airport temporary detention facility and at the police waterfront detachment office. Persons brought into these facilities for processing or testing shall remain under the constant supervision of an officer. Procedures regarding weapons control, duress alarms and escape prevention as described in the **Facility Security (CALEA 71.3.3)** Section of the POSPD **Temporary Detention Facility** Policy, shall also apply when persons are brought into these facilities for processing or testing.

### 903.8 DETAINEE TELEPHONE CALLS

Generally, allowing telephone calls by detainees booked into the holding facility is not a normal part of the intake process. However, officers have discretion as to whether or not reasonable phone calls should be permitted. Examples of circumstances that may necessitate allowing detainees

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to make telephone calls may include facilitating childcare needs or conferring with legal counsel prior to questioning.

There is no obligation for the officer to make a call on a detainee's behalf.

Calls between the detainees and legal counsel are confidential and shall not be monitored, eavesdropped upon or recorded.

#### **903.9 TEMPORARY DETENTION FACILITY - ADMINISTRATIVE REVIEW (CALEA 71.4.3)**

At least annually, the Operations Bureau Deputy Chief or designee shall conduct an administrative review of the department's detention facility. This review is to ensure that the department's policies and procedures governing temporary detention are being followed and that the current policies governing the facility continue to be adequate for the department's needs.

# Transporting Persons in Custody

## 904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for

all officers involved in the transport, transfer, and booking of prisoners. Proper security measures in transporting prisoners should be a paramount concern with regard to the personal safety of the transporting officer, the welfare of the prisoner and the welfare of the public.

See the following policies for additional guidance: ***Handcuffing and Restraint, Medical Aid and Response, Emergency Detentions, Seat Belts, Vehicle Use, and Custodial Searches.***

### 904.1.1 DEFINITIONS

**In Custody:** The state of being held by law enforcement and/or the loss of freedom typically of either an arrestee subsequent a crime, or the emergency detention of a subject subsequent a mental health crisis or substance abuse issue. Probable cause is the standard for an arrest. An imminent likelihood of serious harm or are in imminent danger because of being gravely disabled is the standard for an emergency detention; this means the subject in crisis must pose a significant, immediate threat to themselves or others, or be unable to care for their basic needs.

**Temporary Investigative Detention** - A temporary seizure of a person for the purpose of determining whether there is probable cause to arrest them, whether further investigation is necessary, and/or whether the officer's suspicions were founded or unfounded. Reasonable suspicion is the standard for a temporary investigative detention. Officers shall give notice that the person is being detained and is not free to leave (RCW 10.120.020).

## 904.2 POLICY

It is the policy of the Port of Seattle Police Department to provide safe, secure, and humane transportation for all persons in custody.

## 904.3 TRANSPORT OPERATIONS

### 904.3.1 PRE-TRANSPORT RESPONSIBILITIES (CALEA 70.1.1)

Arrested persons are to be searched incident to arrest in an effort to locate and secure all personal property, contraband, weapons, and/or evidence. Arrestees shall be searched by the transporting officer when custody of the arrestee is received from another officer prior to transport. Exception to the pre-transport arrestee search by the transport officer shall only be in those instances in which an unusual safety consideration exists and can clearly be articulated. In such exceptional instances the related circumstances shall subsequently be documented. Restrained persons shall be monitored while in law enforcement custody (*Washington State Office of the Attorney General Model Use of Force Policy*).

With the exception of items submitted as evidence or safekeeping, the transporting officer shall ensure that all property belonging to the prisoner is delivered to the transport destination along



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with the prisoner. Reasonable efforts will be made to place any personal property not accepted by the receiving facility in safekeeping with the POSPD.

Prior to beginning the transport, the transporting officer shall:

- (a) Activate their body worn camera (BWC) and advise the prisoner(s) being transported that they are being audio and video recorded.
- (b) Advise the Communications Center of information regarding the transport to include the identity of transporting officer(s), the number of prisoners being transported, the gender of the prisoner(s), the transport destination, and the beginning mileage of the transport vehicle.
- (c) Verify that the vehicle's security devices (e.g. window and rear-door child-safety locks) are activated.
- (d) Plan travel times and routes to avoid situations that might impede transportation (e.g. heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

#### 904.3.2 SEARCH OF TRANSPORT VEHICLE (CALEA 70.1.2)

At the beginning of each shift, officers shall search their patrol vehicle to ensure that no contraband or weapons have been left or placed in the vehicle during a previous use. Officers shall also search their patrol vehicles immediately after each subsequent transport to ensure that the detainee / passenger has not discarded any contraband or weapons in the vehicle and to establish a clear chain of custody if contraband is located. Any vehicle not normally used for transport shall be searched prior to and immediately after each time a prisoner is transported in it.

If an officer locates lawful items that can be associated with a transported person, the officer should treat the items as found property and proceed accordingly. Any located items that cannot be associated with a transported person shall be treated as found property, documented and submitted into evidence. If an officer locates illegal contraband that can be associated with a transported person, the officer should treat the property as evidence and proceed accordingly.

#### 904.3.3 PRISONER PLACEMENT IN TRANSPORT VEHICLE (CALEA 70.1.3)

Prisoners should be transported to the jail or the POSPD temporary detention facility as soon as practical following their arrest. Efforts should be made to ensure that the transport vehicle to be used is equipped with a safety partition separating the driver's seat area from the rear passenger area of the vehicle.

Under normal circumstances, only one prisoner will be transported at a time in each transport vehicle. However, if an operational need exists and at the discretion of the transporting officer, two prisoners may be transported in the rear passenger area of a transport vehicle providing that the transport vehicle is equipped with a safety partition and the circumstances do not present an increased safety or security risk. However, the following are transport restrictions:

- (a) Juveniles and adults shall not be transported together.
- (b) Persons of different genders should not be transported together.

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- (c) Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.

Generally, if circumstances allow for it, a single officer may conduct a prisoner transport. In these situations, the prisoner should, when feasible, be placed in the rear passenger-side seat of the transport vehicle, handcuffed and seat-belted into place.

If safety or security concerns necessitate that two officers transport a prisoner, the Communications Center shall be notified. In these situations, the prisoner should be placed in the rear passenger-side seat of the transport vehicle, handcuffed and seat-belted into place. If the transport vehicle is equipped with a safety partition, the assisting officer may be seated in either the front or rear seat.

If the transport vehicle is not equipped with a safety partition, no more than one prisoner will be transported at a time and a minimum of two officers shall be used for the transport. The prisoner should be placed in the rear passenger-side seat of the transport vehicle, handcuffed, and seat-belted into place and the assisting officer should be seated in the rear driver's-side seat.

#### 904.3.4 INTERRUPTION OF PRISONER TRANSPORT (CALEA 70.1.4)

The primary duty of the transporting officer is the safe delivery of the prisoner in their custody. Unless allowed by a supervisor, the transporting officer should take the most direct route to the destination. The officer shall not stop to render law enforcement assistance to third parties along the route except under emergency conditions where there is minimal risk to the prisoner and there appears to be an imminent risk of death or injury to third parties if assistance is not rendered.

Should the officer decide to stop, the Communications Center shall be notified immediately. The Communications Center shall then immediately notify the shift supervisor and applicable local authorities of the following:

- (a) The identity and status of the officer.
- (b) The fact that the officer is engaged in a prisoner transport.
- (c) The nature and location of the incident.

The transporting officer should only consider stopping if there are no other first responders on the scene. The transporting officer will remain on scene only until other emergency assistance has arrived.

Transporting officers shall not become involved in pursuits or other situations that might create a risk of harm to the prisoner.

#### 904.3.5 COMMUNICATION DURING TRANSPORT (CALEA 70.1.5)

Officers transporting a person in custody should make a verbal welfare check with the person in custody at least every 10 minutes. Officers should also provide sufficient visual observation and verbal communication during the transport of the following:

- (a) Individuals in auxiliary safety restraints.
- (b) Individuals in leg restraints.

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- (c) Individuals wearing a spit hood.
- (d) Individuals who are a suspected suicide risk.

Officers transporting a person in custody should make a reasonable effort to prevent inappropriate conversations between the person being transported (e.g. demeaning or insulting language) and others inside or outside of the vehicle.

Prisoners should not be permitted to make any phone calls or participate in any other outside communication while being readied for and during transport. Should a special circumstance arise which would require an exception to this policy, the transporting officer shall use their discretion in deciding whether to allow the communication.

#### 904.3.6 PROCEDURES AT TRANSPORT DESTINATION (CALEA 70.1.6)

At the time of arrival to the transport destination, the transporting officer will advise the Communications Center of the arrival and also provide the ending mileage of the transport vehicle.

Transporting officers shall conform to all known applicable procedures at any detention / holding facility, state institution, hospital or mental health facility. The following applies to all destinations where a prisoner's custody is to be transferred to an accepting entity:

- (a) If mandated by the facility, the transporting officer at no time shall enter a secure area without first securing their firearm, except at the direction of a supervisor.
- (b) The transporting officer shall advise the receiving officer of any known medical or security hazards involving the prisoner.
- (c) Prisoner restraints will only be removed by, or at the direction of, the receiving officer.
- (d) The transporting officer shall ensure all necessary paperwork is properly exchanged, to include applicable documentation acknowledging acceptance of the prisoner by the receiving entity.
- (e) The transporting officer shall be responsible for ensuring that applicable documentation from the receiving entity acknowledging acceptance of the prisoner is included with the case report. In situations where the transporting officer is meeting a representative from another agency to transfer custody in the field, the transporting officer shall obtain the name of the person accepting custody of the prisoner. The transporting officer shall ensure that the name of the accepting officer is included in the case report.

#### 904.3.7 PRISONER ESCAPE PROCEDURES (CALEA 70.1.7)

If a prisoner escapes during transport, the following actions shall be taken:

- (a) The Communications Center and on-duty patrol supervisor shall be notified immediately.
- (b) Immediate notification, if applicable, shall be made to the law enforcement agency in the jurisdiction of the escape.

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- (c) Appropriate POSPD and outside agency resources (additional officers, K-9, air support, etc.) shall be requested and deployed to the area for the purpose of establishing a perimeter and apprehending the escapee.
- (d) Surrounding law enforcement jurisdictions shall be notified.
- (e) A case report documenting the incident shall be completed as soon as practicable.

#### 904.3.8 NOTIFICATION OF PRISONER SAFETY / SECURITY RISK (CALEA 70.1.8)

When a prisoner is considered a high safety / security risk and is to be transported to a facility, the transporting officer will notify a supervisor and the appropriate authority at the transport destination to request additional safeguards. Circumstances that may justify classifying a prisoner as a high security risk may include but are not limited to; escape attempt, assaultive or threatening behavior, attempts to damage property prior to or during the transport, etc.

#### 904.4 RESTRAINTS USED DURING TRANSPORT (CALEA 70.2.1)

Prisoner transportation shall be accomplished using that degree of restraint deemed necessary by the transporting officer to safely complete the task.

Approved methods of restraint include:

- Handcuffs
- Flex-Cuffs (During multiple arrest situations)
- Auxiliary Restraint Devices (see the POSPD ***Handcuffing and Restraint*** Policy) to include:
  - Leg Restraints
  - Waist Restraints (Belly Chains)
  - The WRAP

During transport, all arrested persons should be handcuffed with their hands behind their back. Exceptions may be made in limited circumstances at the discretion of the transporting officer, keeping in mind the safety of the officer, the prisoner and others. Exceptions include but may not be limited to:

- Persons who are physically or otherwise incapacitated.
- Elderly or ill persons arrested for minor offenses.
- Physically disabled prisoners.
- Juvenile offenders in limited circumstances (see the POSPD ***Handcuffing and Restraint*** Policy).

During some volatile situations, it may become necessary to apply leg restraints prior to transporting a prisoner to a facility. For the department's leg restraint procedure, refer to the POSPD ***Handcuffing and Restraint*** Policy.

#### 904.5 SPECIAL TRANSPORT SITUATIONS

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#### 904.5.1 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY (CALEA 70.2.1 / 70.3.1)

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.

When transporting a person with a disability, the degree of physical restraint will be applied within reason, at the discretion of the transporting officer. It should never be assumed that restraining devices are not required on prisoners with a disability. A prisoner with a disability shall not be transported without handcuffs unless at least two officers are assigned to the transport detail.

#### 904.5.2 EMERGENCY DETENTION TRANSPORTS

When transporting any individual for an emergency detention, the transporting officer should request that the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

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, supervisor approval is required before the transport commences.

See the ***Emergency Detentions*** Policy for additional guidance.

#### 904.5.3 EXTENDED TRANSPORTS (CALEA 70.2.1)

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 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.

#### 904.5.4 PRISONER TRANSPORT - HOSPITAL SECURITY (CALEA 70.3.2)

When a prisoner is transported by an officer to a medical facility prior to being taken to another facility, the following shall apply:

- (a) The transporting officer shall exercise caution and ensure, whenever possible, that the prisoner is isolated from other patients and is not left unattended or permitted to escape the immediate control of the transporting officer. The transporting officer should coordinate with hospital personnel to address these concerns while in the facility.
- (b) The transporting officer shall not leave the medical facility without the prisoner unless the officer is relieved by another officer or is instructed to do so by a supervisor.
- (c) The transporting officer will remove the restraints only when it is medically necessary and requested by the medical staff.

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- (d) If a prisoner is to be admitted to the hospital, or if the transporting officer learns that there is going to an extended wait time before the prisoner can receive treatment, the following shall apply:
  - If the prisoner is in custody due to a POSPD warrant or POSPD misdemeanor charges not inclusive of domestic violence, the on-duty supervisor will make the decision as to whether a patrol officer will guard or release the prisoner.
  - If the prisoner is in custody due to POSPD felony charges or charges inclusive of domestic violence, the on-duty supervisor shall contact an on-duty Patrol Commander or the Command Duty Officer to make the decision as to whether a patrol officer will guard or release the prisoner.
  - If the prisoner is in custody due to warrant from another agency - The applicable agency shall be contacted and given the opportunity to provide a guard for the prisoner. If the contacted agency declines, the on-duty supervisor will make the decision as to whether a patrol officer will guard or release the prisoner.

#### 904.5.5 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 supervisor.

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.

#### 904.5.6 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.

### 904.6 TRANSPORT PROHIBITIONS

When transporting a person in custody, officers shall not:

- (a) Use the transport as a form of punishment or retaliation (e.g. intentionally rough rides, excessive heat or cold, obnoxiously loud music).

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- (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.

#### **904.7 DOCUMENTATION**

##### **904.7.1 NECESSARY TRANSPORT PAPERWORK (CALEA 70.5.1)**

When a prisoner is transported to another facility by a member of this department, the transporting officer shall be responsible for the following:

- (a) Verify that the identity of the prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the receiving facility. The transporting officer shall also ensure such threat or danger is communicated to intake personnel at the facility.

##### **904.7.2 INJURY DURING TRANSPORT (CALEA 70.3.1)**

If a person is injured during a transport, officers should document this injury in an 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 their head, struggling with restraints, fighting with other persons in custody). Medical aid should be requested in accordance with the ***Medical Aid and Response*** Policy. Any visible or reported injuries should be photographed and included with the report.

#### **904.8 TRAINING**

The Office of Professional Development (OPD) Sergeant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

## **Chapter 10 - Personnel**



# Communicable Diseases

## 1000.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1000.1.1 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 Port of Seattle Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1000.2 POLICY

The Port of Seattle 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.

## 1000.3 EXPOSURE CONTROL OFFICER

The Port Health and Safety Group (Health and Safety) shall serve as the department Exposure Control Officer (ECO) and develop an exposure control plan that includes (WAC 296-823.100 et seq.):

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members shall be provided with appropriate personal protective equipment (PPE) including latex gloves or equivalent, face masks, eye protection, protective shoe coverings, and pocket masks for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):

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- (a) The identification of positions with the potential for exposure.
  - (b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.
  - (c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.
  - (d) Directions for appropriate labeling of contaminated items.
  - (e) Rules regarding worksite maintenance.
  - (f) Rules regarding waste.
  - (g) Confidentiality requirements and medical protocols.
  - (h) Maintenance of training and medical records.
- 2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).
- 3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

Health and Safety should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. Health and Safety should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with Health & Safety, the Professional Development Sergeant and the affected employees to ensure that the proper exposure control procedures are followed.

#### **1000.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1000.4.1 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).

#### **1000.5 POST EXPOSURE**

##### **1000.5.1 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.

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#### 1000.5.2 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 the following information is documented (WAC 296-823-16005):

- (a) Name and Social Security number 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 POSPD **Occupational Disease and Work-Related Injury Reporting** Policy).

#### 1000.5.3 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.

#### 1000.5.4 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).

#### 1000.5.5 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

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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 General Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1000.6 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.

#### **1000.7 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.

# Domestic Violence Involving Law Enforcement Employees

## 1001.1 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).

### 1001.1.1 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.

## 1001.2 DEPARTMENT RESPONSIBILITIES

Port of Seattle Police Department has the following obligations (RCW 10.99.030 and 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 Port of Seattle Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Port of Seattle 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.

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- (h) Provide information on this domestic violence policy and programs under RCW43.20A.735 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Port of Seattle Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a department 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 Port of Seattle 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 Port of Seattle Police Department employees who are alleged victims of violence at the hands of sworn employees of the Port of Seattle 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 Port of Seattle 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.

#### 1001.2.1 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.

#### 1001.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

- (a) If an POSPD employee is involved, then the command duty officer shall:
  - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
  - 2. Issue an administrative order prohibiting contact with the victim if appropriate.

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3. Forwarded information on the incident to the Office of Professional Accountability and/or the Chief of Police for review and further action.
  4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved, then the command duty officer shall:
1. Verify command notification of the employing agency.
  2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
  3. Ensure that the Port of Seattle Police Department provides appropriate reports and any other requested documentation to the employing agency.

#### **1001.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES**

- (a) In all instances of law enforcement domestic violence the Domestic Violence Specialist or CID Supervisor shall:
1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
  2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
  3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Domestic Violence Specialist or CID Supervisor shall:
1. Contact the victim.
  2. Introduce the point of contact.
  3. Provide an update regarding the administrative process.

#### **1001.3 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 Office of Professional

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Accountability 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 Office of Professional Accountability 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 Office of Professional Accountability or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to 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.

#### **1001.4 INCIDENT RESPONSE**

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.



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#### 1001.4.1 RADIO RESPONSE

Employees of the Communications Center will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the on-shift or other, appropriate supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call supervisor or supervisor from another agency.
- (c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

#### 1001.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
  - 1. Photographs of the crime scene and any injuries identified.
  - 2. Statements from all witnesses, including children, if any.
  - 3. The Domestic Violence Supplemental Report Form.
  - 4. Seizure of any weapons used or referred to in the crime.
  - 5. Signed medical releases.
  - 6. Copies of dispatch (CAD) records.
  - 7. 9-1-1 call recording preserved.
  - 8. Statement of the victim; statement of the suspect.
  - 9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
  - 10. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Unit or Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

#### 1001.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.

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- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Port of Seattle Police Department involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Port of Seattle Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and POSPD contact information, acting as the point of contact until another assignment is made.

#### **1001.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION**

The Port of Seattle 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 their 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 Port of Seattle Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

## Drug- and Alcohol-Free Workplace

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members. Members must, as a condition of employment, abide by the terms of this policy.

### 1002.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that they 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, they shall be immediately removed and released from work (see the **Work Restrictions** Section in this Policy).

#### 1002.3.1 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.

#### 1002.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

### 1002.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1002.5 EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) is a voluntary program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage may also provide treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources and Development, their insurance provider, or the EAP for additional information (EAP phone number 1.800.553.7798 -24 hours a day/seven days a week).

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the EAP or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1002.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member 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.

#### **1002.7 REQUESTING SCREENING TESTS**

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) During the performance of the employee's duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

Testing may be guided by the employee's respective Collective Bargaining Agreement.

##### **1002.7.1 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:

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- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1002.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action they:

- (a) Fail or refuse to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fail to provide proof, within 72 hours after being requested, that they took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name.
- (c) Violate any provision of this policy.

#### 1002.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### 1002.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the POSPD ***Police Employee Personnel Records*** Policy.

# Employee Commendations

## 1003.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs their duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

## 1003.2 COMMENDATIONS AND AWARDS

The department has established the following formal commendations and awards for employees:

- **COMMENDATION FOR BRAVERY** - Commendation awarded in recognition of performance of duty by a member of the department in a hazardous situation in which the member was exposed to perils beyond the call of duty. Recipients will receive a presentation medal and a small commendation medal appropriate for wear on the uniform or civilian clothing.
- **COMMENDATION FOR HONORABLE SERVICE** - Commendation awarded in recognition of performance of duty or sustained superior performance by a member of the department justifying commendation but not falling under the above categories. Recipients will receive a small commendation medal appropriate for wear on the uniform or civilian clothing.
- **COMMENDATION FOR LIFESAVING** - Commendation awarded to a member of the department for taking extraordinary lifesaving actions intended to rescue a person from imminent danger or medical emergency. The actions taken by the member are known to have resulted in saving a person's life. Recipients will receive a presentation medal and a small commendation medal appropriate for wear on the uniform or civilian clothing.
- **COMMENDATION FOR MERITORIOUS SERVICE** - Commendation awarded in recognition of diligent performance of duty by a member of the department operating in a hazardous situation, and as a result of the member's action, a serious crime is prevented, life or property is protected and/or criminals apprehended. Recipients will receive a small commendation medal appropriate for wear on the uniform or civilian clothing.
- **COMMENDATION FOR VALOR** - Commendation awarded in recognition of diligent performance of duty by a member of the department in a perilous situation in which a life is saved, a serious crime prevented, a serious violent offender is arrested, or other similar event occurred as a result of the member's actions. Recipients will receive a presentation medal and a small commendation medal appropriate for wear on the uniform or civilian clothing.
- **LETTER OF COMMENDATION** - A letter of commendation is presented for services rendered by a member of the department, other agency or citizen which does not fall within the above classifications but which are worthy of mention for recognition of services. Recipients will receive a Letter of Commendation from the Chief of Police.
- **NON-SWORN EMPLOYEE OF THE YEAR** - Commendation awarded to a non-sworn employee for continuous, outstanding service performed during the previous calendar

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year. More specifically, outstanding service by a staff member is defined by personal qualities and discharge of duties. Personal qualities associated with outstanding service by a staff member include the following: knowledge of the job, leadership traits, internal motivation, communication skills, proficiency in assignment, willingness to help other, and/or attitude. Discharge of duties associated with outstanding service by a staff member include the following: initiative in the performance of assigned duties, exemplary behavior, relationship building within the department and with external stakeholders, a A"go-to" employee, unusual thoroughness, implementation of new ideas or bringing new ideas forward for the betterment of the whole department, and/or consistently demonstrating a positive outlook even during difficult times.

- **OFFICER OF THE YEAR** - Commendation awarded to an officer for continuous, outstanding service performed during the previous calendar year. More specifically, outstanding service by an officer is defined by personal qualities and discharge of duties. Personal qualities associated with outstanding service by an officer include the following: knowledge, appearance, leadership, self-motivation, communication skills, proficiency in assignment, willingness to help others, and/or attitude. Discharge of duties associated with outstanding service by an officer include the following: distinguished service, conspicuous bravery, life-saving attempt, development of a program, distinctive service, unusual thoroughness, initiative and conscientiousness in the performance of assigned duties, and/or exemplary behavior.
- **PURPLE HEART** - Commendation awarded to a member of the department who is seriously injured by another person during the performance of duty. Recipients will receive a presentation medal and a small commendation medal appropriate for wear on the uniform or civilian clothing.
- **SOLDIER OF THE MISSION** - Commendation for outstanding performance and devotion to modeling the department's Guiding Principles (Leadership - Integrity - Accountability) in support of the department's Mission: "In support of the Port of Seattle's Mission, We Fight Crime, Protect and Serve our Community." More than one department member can be recognized per year, and this commendation can be awarded to both commissioned and non-commissioned personnel.
- **SPIRIT OF THE VISION** - Commendation awarded for outstanding performance and devotion to duty far beyond expectations and through those actions exemplifies the Vision of the department as the "Nation's Finest Port Police." This commendation is awarded to one department member per year, and this commendation can be awarded to both commissioned and non-commissioned personnel.

#### **1003.3 COMMENDATION AWARD NOMINATION PROCESS**

Recommendations for commendation of any department personnel may be made by any person internal or external to the department having information of an action worthy of special recognition.

Recommendations for commendations or awards will be made in writing and must include all pertinent details and names of witnesses. All recommendations will be routed through the chain of command to the Chief of Police. The Chief of Police or their designee will then convene a Commendation Review Board (CRB) to review recommendations for Commendations for Valor, Bravery and the Purple Heart, Lifesaving, Meritorious Service, and Honorable Service.

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The CRB has authority to interview witnesses, the nominated officer(s), and to request such additional information (case reports, etc.) as may be necessary to thoroughly evaluate the recommendation.

The CRB will determine the most appropriate form of recognition based upon a review of the incident and will then submit its recommendation to the Chief of Police or their designee along with a draft of the official citation to accompany the presentation.



## Employee Files and Records

### 1004.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention, and access to police employee files and records in accordance with established law. Please refer to Port of Seattle HR-4 Official Personnel File Policy for guidance specifically regarding Port of Seattle employee personnel files.

Unless otherwise noted, all police employee personnel files are under the exclusive control of Port of Seattle Human Resources, and police employee medical files are under the control of Port of Seattle Human Resources and/or Port of Seattle Workplace Safety. Police employee investigative files involving internal affairs and/or the Office of Professional Accountability (OPA) are under the exclusive control of the Office of the Chief or designee, and employee investigative files involving Workplace Responsibility, Labor Relations, and/or Human Resources are retained outside of the Police Department. Additional police employee files such as the pre-employment background file, pre-employment medical file, and training file are under exclusive control of the Chief of Police or designee.

Police employee files and records will be secured and available only to persons authorized to access such information.

#### 1004.1.1 DESCRIPTIONS OF EMPLOYEE FILES AND RECORDS

**Investigative File** - Investigations conducted by Port of Seattle Workplace Responsibility, Port of Seattle Labor Relations, and/or Port of Seattle Human Resources are retained outside of the Police Department. Investigative files regarding police employee conduct and/or complaints, including all materials relating to internal affairs and/or the Office of Professional Accountability (OPA), shall be maintained under the exclusive control of the Office of the Chief or designee. Access to these files may only be approved by the Chief of Police or designee. These files shall contain the complete investigative materials relating to all complaints regarding employee conduct regardless of disposition (see the ***Personnel Investigation Records*** Section of the ***Personnel Complaints*** Policy for further).

**Medical File** - File which exclusively contains material related to an employee's medical condition and medical history maintained by Port of Seattle Human Resources and/or Port of Seattle Health and Safety separately from the employee's personnel file in accordance with state and federal law. The medical file may include, but is not limited to the following:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

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- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations and/or reasonable accommodations.

**Port of Seattle Personnel File** - File maintained by the Port of Seattle's Human Resources and as a permanent record of an employee's employment with the Port of Seattle in accordance with state law, federal law, and Port of Seattle HR-4 Official Personnel Files Policy.

**Pre-Employment Background File** - A file which contains a police employee's pre-employment background information will be maintained in the Office of the Chief of Police or designee. Such files shall be kept separately from other personnel records.

**Pre-Employment Medical File** - File maintained by the Office of the Chief or designee that is associated with, but separate from, the police employee's pre-employment background file that includes 10-panel drug screen results, a cover page document signed by the Medical Examiner that clears the police employee for respirator use, a cover page document signed by the Medical Examiner that states the police employee may work without limitations, and a full psychological evaluation report. No Health Insurance Portability and Accountability Act (HIPAA) information is included within these police employee pre-employment medical records.

**Training File** - An individual training file shall be maintained by the Office of Professional Development for each police employee. Training files will contain records of all training and education mandated by law or the department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Professional Development Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Professional Development Sergeant or immediate supervisor shall ensure that copies of such training records are placed in the employee's training file.

#### **1004.2 POLICY**

It is the policy of the Port of Seattle Police Department to maintain police employee files and records pursuant to state law, federal law, and Port of Seattle HR-4 Official Personnel File Policy.

#### **1004.3 CONFIDENTIALITY**

In general, unless expressly stated by statutory exception, police employee files and records are subject to public disclosure. To the extent possible, all personnel records, whether or not subject to public disclosure, should be maintained as private records. Access to personnel records should be limited to only those local government employees who are needed to maintain the records and those who have a legitimate need for access or legal right to access.

Except as noted above, no person shall be granted access to personnel files without the permission of Port of Seattle Human Resources, and no person shall be granted access to other police employee files and records without the permission of the Chief of Police or designee.

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#### **1004.4 EMPLOYEE ACCESS TO PERSONNEL FILES**

Any department member may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Port of Seattle Human Resources shall make the file available for viewing by the member. Copies of files are available through the public disclosure process. A member may annually request that all information contained in their personnel file subject to disclosure be reviewed by Port of Seattle Human Resources for any irrelevant or erroneous information (RCW 49.12.240; RCW 49.12.250).

Any member seeking the removal of any item from their personnel file shall file a written request to Port of Seattle Human Resources. Port of Seattle Human Resources shall remove any such item if appropriate, or provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from Port of Seattle Human Resources 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) Pre-Employment Background Files.
- (b) Records of an employee relating to the investigation of a possible criminal offense (RCW 49.12.260)
- (c) 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)
- (d) Records relating to an ongoing 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))

#### **1004.5 EMPLOYEE ACCESS TO OTHER POLICE EMPLOYEE FILES AND RECORDS**

Any department member may request access to their own police employee files and records, at least annually, during the normal business hours of those responsible for maintaining such files. The Port of Seattle Police Department shall make the file available for viewing by the member. Copies of files are available through the public disclosure process. A member may annually request that all information contained in their police employee files subject to disclosure be reviewed by the Department for any irrelevant or erroneous information (RCW 49.12.240; RCW 49.12.250).

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 provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing the following:

- (a) Pre-Employment Background Files.

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- (b) Records of an employee relating to the investigation of a possible criminal offense (RCW 49.12.260)
- (c) 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)
- (d) Records relating to an ongoing 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))

#### **1004.6 REQUESTS FOR DISCLOSURE**

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes set forth in the RCW chapters governing disclosure of public records.

All requests for the disclosure of any information contained in any employee's personnel file or police employee file shall be processed as a public records request.

Upon receipt of a request for information contained exclusively in an employee personnel file, public disclosure staff shall notify the affected employee(s) and their union as soon as practicable that such a request has been made.

The Port Public Disclosure Office should ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. All requests for disclosure, which result in disclosure of documents from an employee's personnel record(s), shall be logged by the Port of Seattle Public Disclosure Office.

##### **1004.6.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential employee file or record shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved employee or authorization of Port of Seattle Human Resources and/or the Chief of Police or designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor.

The department may also release any factual information concerning a disciplinary investigation if the employee who is the subject of the investigation (or the employee's representative) publicly makes a statement which is published in the media and which the employee (or representative) knew to be false.

# Employee Speech, Expression and Social Networking

## 1005.1 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 employee speech and expression with the needs of the Port of Seattle 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.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1005.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Port of Seattle Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Port of Seattle Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1005.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Port of Seattle Police Department employees, 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 an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1005.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Port of Seattle Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Port of Seattle Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Port of Seattle Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Port of Seattle Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Port of Seattle Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1005.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Port of Seattle Police Department or identify themselves in any way that could be reasonably perceived as representing the Port of Seattle Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in thier individual capacity or through an outside group or organization, including an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Port of Seattle Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or employee group, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

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#### **1005.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal username or password or open a personal social website unless otherwise allowed under Washington law (RCW 49.44.200).

#### **1005.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of 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.

#### **1005.7 TRAINING**

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all employees of the Department.



# Evaluation of Employees

## **1006.1 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.

## **1006.2 POLICY**

The Port of Seattle Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to 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.

All sworn supervisory personnel shall be sent to a WSCJTC approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment. Communications supervisors shall attend a communications supervisory course within one year of the supervisory appointment. Other civilian supervisors shall received training and/or coaching on evaluating employee performance within one year of the supervisory appointment.

## **1006.3 FULL TIME PROBATIONARY PERSONNEL (CALEA 35.1.3)**

Non-sworn personnel are on probation according to their respective Collective Bargaining Agreement or Port of Seattle Department of Human Resources policy before being eligible for certification as regular employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Entry-level sworn personnel are on probation for twelve (12) months, nine (9) months after completion of the Basic Law Enforcement Academy (BLEA). Lateral new-hire officers are on probation for twelve (12) months before being eligible for certification as regular employees. Probationary officers are evaluated bi-weekly while in the Police Training Officer (PTO) Program and bi-monthly when on solo patrol. In accordance with the conditions of the Police Officers Collective Bargaining Agreement (CBA), probation for sworn personnel may be extended up to three (3) months. A Final Board should be scheduled for probationary officers at least 1-2 weeks prior to the official off-probation date. The Final Board will consist of a series of oral board questions asked by a panel of three (3) members from the PTO Cadre. Chiefs, commanders, sergeants, and additional members of the PTO Cadre may be present. The probationary officer should be prepared to answer questions from the Final Board Attendees. The probationary officer's complete

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body of work, including responses to Final Board questions, will be considered when determining off-probation status.

The probationary period for an employee appointed to the rank of Sergeant is nine (9) months from their date of appointment. However, the probationary period for new sergeants may be extended at the discretion of the Chief of Police for absences due to bona fide illness or other legitimate reasons in accordance with the Police Sergeants CBA. Per the New Sergeant Training Manual, probationary sergeants will complete one (1) week of integration via New Sergeant Orientation, six (6) weeks of On Job Training, and three (3) weeks of Shadow Phase before spending the remainder of the probationary period in Continuing Education with a temporary or assigned squad on solo patrol. A Final Evaluation will be conducted via a New Sergeant Off-Probation Board which will consist of the Command Team review and consideration of the probationary sergeant's complete body of work. the New Sergeant Off-Probation Board will forward a recommendation to the Office of the Chief who will make the final decision regarding off-probation status.

#### **1006.4 FULL-TIME REGULAR STATUS PERSONNEL (CALEA 35.1.2)**

Non-Probationary employees are subject to three types of performance evaluations:

**Regular** - An employee performance evaluation shall be completed for each employee once each calendar year by the employee's immediate supervisor.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

##### **1006.4.1 EVALUATION PROCEDURES**

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation rating criteria with each employee at the beginning of the rating period. The rating criteria and measurement definitions are explained on each respective evaluation form. These criteria and definitions shall be adhered to while completing the evaluation form. When filling out the evaluation form, supervisors should follow the directions noted on each form. The rater shall also ensure that the form has been reviewed by the employee and the required signatures have been obtained prior to submitting the evaluation to the rater's supervisor.

##### **1006.5 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor

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may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

#### **1006.6 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall also evaluate the supervisor on the quality of ratings given and then forward the performance evaluation to the Deputy Chief and Chief.

#### **1006.7 EVALUATION DISTRIBUTION**

The original performance evaluation is provided to Port Department of Human Resources and Development for filing. A copy shall be maintained in the employee's local personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will also be given to the employee.

#### **1006.8 REMEDIAL TRAINING (CALEA 33.1.5)**

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 unacceptable, receives a Special Evaluation 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 Personnel 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.

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- (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.

## Fitness for Duty

### 1007.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

### 1007.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1007.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the department to assess options and react responsibly to assure the safety of the employee, other members of the department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the supervisor or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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#### **1007.4 RELIEF FROM DUTY**

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

#### **1007.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources and Development to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

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- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

#### **1007.6 LIMITATION ON HOURS WORKED**

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

#### **1007.7 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

## Fitness Program

### 1008.1 PURPOSE AND SCOPE

It is the policy of the Port of Seattle Police Department to provide the best possible service to the Port community. In order for the department to carry out this responsibility, it is important that each employee maintain a reasonable level of physical fitness and overall wellness. This will enhance the employee's ability to accomplish tasks or duties in their job description, while reducing risk of injury and illness.

In many occupations, the daily level of physical exertion is predictable. However, law enforcement is not one of them. An officer may operate at a minimal level of physical exertion for extended periods and suddenly be called upon to exert a maximum amount of physical and mental energy. Consequently, it is incumbent upon each officer to ensure that they are physically fit and able to endure both physical and mental stress, as lives, including their own, depend on it. An exercise program will develop, enhance and maintain a satisfactory level of physical fitness and overall wellness.

The purpose of the Fitness Program is to promote the physical capability of department members to meet the physical demands inherent in a police officer's job. The intent of the program is to establish an acceptable level of physical fitness among members of the department.

Consistent with the Port of Seattle's Spirit and Wellness Program, department members, with the approval of their supervisor, may voluntarily participate in the department's Fitness and Wellness Program. Entry level probationary officers are required to participate in the program.

The purpose of this policy is to establish the guidelines and content of the program.

### 1008.2 PROGRAM OBJECTIVES

It is the specific intent of the Fitness and Wellness Program to:

- (a) Improve performance on the job.
- (b) Reduce the risk of heart attack.
- (c) Reduce job-related injuries.
- (d) Reduce absenteeism due to illness.
- (e) Decrease disability and Worker's Compensation claims.
- (f) Increase employee morale.

### 1008.3 PROGRAM COMPONENTS

The department's Fitness Program is a multi-faceted approach to overall psychological and physiological health. While all components of the program are voluntary, the department strives to increase participation by all full-time employees.

During the course of the year, the department in conjunction with the Port of Seattle will sponsor "brown bag lunches" with hosted speakers and / or small group workshops addressing personal



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### *Fitness Program*

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health issues and seminars geared toward increased awareness of physical and mental health issues.

The department has a trained Fitness Program Coordinator and fitness instructors who are able to provide personal counseling sessions on:

- (a) Nutrition and diet.
- (b) Stress reduction.
- (c) Safe exercise techniques.
- (d) Assistance in developing a personal fitness and wellness program for any employee.

#### **1008.4 PROGRAM PARTICIPATION**

##### **a. Participation**

All entry level probationary officers are required to participate in the Fitness and Wellness Program.

All other members of the department may participate in the program on a voluntary basis with the permission of their supervisor.

All participants will maintain a Port of Seattle waiver form in their training file as a condition of participating in the program and using department fitness equipment.

All participants are required to complete an equipment orientation with the Fitness and Wellness Program Coordinator or designee. This will include information about the rules and instructions for proper use of the equipment prior to use. Upon completion, the Program Coordinator will sign a form for the participant acknowledging their completion of the orientation and authorizing them to use department fitness facilities. The Program Coordinator will give a copy to the participant and place the original in their training file.

##### **b. Medical Screening**

All participants are encouraged to obtain a medical release from their personal health care provider prior to participating in the program.

Individuals are responsible for determining their fitness level before participating in the Fitness Program.

##### **c. Spirit and Wellness**

All participants will complete the Health Assessment included in the Port's Spirit and Wellness Program prior to using any facilities or being authorized to work out on duty.

Participants are encouraged to actively participate in Fitness Solutions as part of the Fitness and Wellness Program.

All information provided remains confidential. From the Port's Spirit and Wellness website: "At the Port of Seattle, we're committed to helping our employees improve their health. Achieving this goal ensures a better control over health care costs. To do this effectively, we need to make sure

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we're offering health resources that match your needs." The available wellness health assessment on the Port's Spirit and Wellness web-page helps us do that. It's a confidential tool that gathers information designed to help you decide where to direct your health care efforts and helps us design our health programs.

#### **1008.5 FITNESS PROGRAM COORDINATOR**

The Fitness Program Coordinator will be designated by the Chief of Police to provide guidance to the program participants and maintenance of program records and documentation. The Coordinator, as well as support staff, shall be trained and certified to perform the Coordinator functions, as determined by the Program Manager, to include policy and procedural recommendations concerning the department's Fitness Program.

The Coordinator will also assist program participants in the development of individual fitness programs utilizing existing Port resources.

The Coordinator will provide ongoing support and evaluation of the program to include the following tasks and responsibilities:

- (a) Familiarize all participants with the rules and instructions for proper use of the equipment prior to use.
- (b) Maintain on file a copy of the authorization form for use of the equipment.
- (c) Post instructions for use by each piece of equipment.
- (d) Enforce all rules and regulations.
- (e) Check all equipment on a regular basis for proper working order.
- (f) Evaluate need for additional equipment.
- (g) Report all injuries or accidents as required by department and Port policies.
- (h) Annually evaluate and provide feedback on the physical fitness of the program participants, and provide recommendations for improving the program, as appropriate.
- (i) Provide individual education and goal-setting as requested.

#### **1008.6 TRAINING ADVISORY COMMITTEE**

The Training Advisory Committee will provide recommendations for the Fitness Program annually based upon the needs of the department. The committee will provide program oversight to ensure the goals of the program are properly met, and will make recommendations to the Chief of Police regarding improvements to the program.

#### **1008.7 APPROVED ON-DUTY WORKOUT TIME**

The purpose of the department's Fitness and Wellness Programs are to encourage a healthy workforce. A healthy workforce is of benefit to the participant, the department and to the public served. In order to help achieve that purpose, the department has provided a wide variety of exercise equipment to be used by participants.

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Once a participant has met all of the requirements described above, they will be allowed to use the fitness facilities. This is required prior to any use of department or Port fitness facilities whether on or off-duty.

Participants are allowed to combine the breaks provided in the collective bargaining agreements up to a maximum of one hour per shift to include changing and cleanup. The exercise periods are not cumulative.

No more than two patrol officers shall be authorized to conduct physical training at any one time. Physical training will only be authorized for officers working a normal complete shift (minimum of 10 hours).

On-duty workouts must be approved by the shift supervisor. Patrol officers will ensure the Communications Center has been notified at the beginning and ending of their workouts.

Officers working out on duty shall not engage in fitness activities that would impact their ability to respond to calls. Additionally, officers should have a means of communication available and monitor radio traffic in the event of an emergency.

#### **1008.8 SUPERVISOR RESPONSIBILITY**

It is the supervisor's responsibility to approve all on-duty workouts of their employees and to ensure compliance with this policy. Supervisors shall monitor staffing requirements to ensure there is appropriate shift coverage prior to approving an on-duty workout.

#### **1008.9 USE OF FITNESS FACILITIES BY NON-DEPARTMENT PERSONNEL**

Use of department fitness facilities is restricted to department personnel and commissioned law enforcement officers from other agencies assigned to the airport. The Chief of Police may grant special use on a case-by-case basis. Anyone using department fitness facilities must comply with the content of this policy relating to equipment orientation and having a waiver on file.

#### **1008.10 PHYSICAL EXAMINATIONS**

Employees are required to maintain a level of fitness which permits them to effectively carry out their duties and responsibilities, as determined by a mental health or health care professional.

A periodic physical examination is a benefit to both the employee and the department. All employees are encouraged to obtain a physical examination annually.

Employees' work and attendance records are monitored for signs of health problems related to fitness. Employees may be required to submit to an examination by a designated physician at any time an employee's work or attendance indicate a health related problem.

Physical examinations required by the department will be paid for by the department. Employee initiated physical examinations are at the employee's expense, unless otherwise provided for in their medical plan.

## Lactation Breaks

### **1009.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

### **1009.2 POLICY**

It is the policy of the Port of Seattle 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).

### **1009.3 LACTATION BREAK TIME**

A rest period should be permitted each time the department 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 department 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.

Department 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.

### **1009.4 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.

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### *Lactation Breaks*

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

#### **1009.5 STORAGE OF EXPRESSED MILK**

Any department member storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the department members shift ends.

# Line-of-Duty Deaths

## 1010.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Port of Seattle 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.

### 1010.1.1 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.

## 1010.2 POLICY

It is the policy of the Port of Seattle 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.

## 1010.3 INITIAL ACTIONS BY COMMAND TEAM

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Command Duty Officer (CDO) and Communications Center.
  - (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The CDO should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the CDO or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the **Notifying Survivors** Section and the **Department Liaison** and **Hospital Liaison** Subsections in this Policy).

#### **1010.4 SURVIVOR NOTIFICATION**

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, CDO or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Port of Seattle Police Department members may be apprised that survivor notifications are complete.

#### **1010.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### **1010.5 DEPARTMENT MEMBER NOTIFICATION**

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.



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#### **1010.6 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 needed when appropriate.

##### **1010.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (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.

#### 1010.6.2 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:
  - (a) The survivors and others whose presence is requested by the survivors.
  - (b) Department members and friends of the deceased member.
  - (c) 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 Port of Seattle 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.
- (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.

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#### 1010.6.3 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 Commander. 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.
  - 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.

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- (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 POSPD **Personal Communication Devices** Policy.

#### 1010.6.4 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 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.

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- (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.

#### 1010.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

#### 1010.6.6 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:

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- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Port of Seattle Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the POSPD **Mutual Aid** and/or **Outside Agency Assistance** Policies.

Where practicable, the Chief of Police 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).

#### 1010.6.7 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 POSPD **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)
- (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.

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- (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.

#### **1010.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **1010.7 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.
  - (a) Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - (b) 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.

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- (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.

#### **1010.8 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.

#### **1010.9 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.

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.

#### **1010.10 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.

#### **1010.11 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.



## Meal Periods and Breaks

### 1011.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all Port employees that has been established by the Chief Executive Officer.

#### 1011.1.1 MEAL PERIODS

Sworn employees and Communications Specialists shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor/Communications Specialist.

Uniformed patrol officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the Port limits unless on assignment outside of the Port. Supervisors shall ensure uniformed subordinates take their breaks within close proximity to assigned jurisdiction.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1011.1.2 15 MINUTE BREAKS

Each employee is entitled to two-15 minute breaks per shift. Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

For further information on this topic, employees should reference their current Collective Bargaining Agreement.

# Military Deployment and Reintegration

## 1012.1 PURPOSE AND SCOPE

This policy establishes a plan to assist employees when they are activated for military duty in excess of 90 days. The plan's guidelines include the Pre-Deployment, Deployment, and Post-Deployment phases of military activation. Further, this policy will assist employees with reintegration upon their return from military active duty to civilian law enforcement service.

## 1012.2 PRE-DEPLOYMENT PHASE

When an employee receives notification (e.g. deployment orders) of activation they shall as soon as practicable advise their immediate supervisor. Supervisors will then inform the Office of the Chief and also ensure the Department of Human Resources and Development (HR&D) is promptly apprised of the employee's pending activation, confirming assignment of an HR&D point-of-contact for the employee. By default, the activating employee's immediate supervisor will serve as the agency point-of-contact for the employee, however, the Chief may designate another person to serve in this capacity.

### 1012.2.1 HR&D AND AGENCY POINT-OF-CONTACT RESPONSIBILITIES

The HR&D and agency point-of-contact will work together to form a team to support the activating employee.

Their responsibilities include but are not limited to:

- Ensuring proper payroll and benefits related documents are submitted by employee.
- Providing information on how to contact the Port and Department when returning from activation for reestablishing pay and benefits.
- Assisting the activating employee and their family in preparing for deployment.
- Out processing the employee through Fleet & Supply to include providing for the secure storing of any issued sensitive items (e.g. keys, lethal / less-lethal weapons, radios, vehicle, etc.) and other Department owned equipment.
- If a represented employee, advising their Union of the activation.
- Coordinating and documenting conduct of the military exit interview.

### 1012.2.2 EXIT INTERVIEW

The intent of the Exit Interview is to provide direct interaction between the Chief of Police (or their designee), the agency point-of-contact, and the activating employee, to facilitate exchange of information, and to determine needs of the employee and their family. The Exit Interview will be informal in nature, and participation by the employee is entirely voluntary, with no requirement to answer any questions. However, every effort must be made to conduct this interview either in person or via telephone prior to activation. The conduct of the Exit Interview will be documented in writing by the agency point-of-contact noting the information which was provided to and from the activating employee.

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The Exit Interview should minimally address the following:

- (a) Estimated length of time of activation, if known.
- (b) If the deployment is within the Continental United States (CONUS) or outside the Continental United States (OCONUS).
- (c) A family point-of-contact (if desired by the employee).
- (d) The activating employee's assigned agency point-of-contact.
- (e) E-mail address, mailing address and/or contact phone number for the activating employee.
- (f) Information related to the reintegration process upon the employee's return.

If the Exit Interview is not conducted, the agency point-of-contact will document in writing the reason for non-completion and provide to the Office of the Chief.

#### **1012.3 DEPLOYMENT PHASE**

During the employee's activation period the agency point-of-contact will be responsible for:

- Remaining in contact with the deployed member, via phone and/or e-mail.
- If approved and supported by the deploying member, maintaining periodic e-mail and/or phone contact with the activated employee's family in order to be a resource and provide Department assistance where appropriate.
- If deployed overseas, making phone contact with the activated employee's Unit point-of-contact in the United States (e.g. rear-detachment).
- When possible, contacting the activated employee approximately 30 days prior to their estimated return date to confirm their date of return and provide direction as to where and when to report for duty upon return. Under the Uniformed Services Employment and Reemployment Rights Act (USERRA) the employee has a specific time frame to notify the Department of their return to work, depending on length of their activation:
  - Short-Term Activation (i.e. less than 30 days): Employee reports to their next (pre-deployment) regularly assigned shift, however the returning employee is permitted at least, 8 hours of rest at their, "home of record" prior to starting the next shift.
  - Medium Activation: (i.e. at least 31 days, but less than 180 days): Employee must provide notification to HR&D within 14 days of completion of service.
  - Long-Term Activation: (i.e. more than 181 days): Employee must provide notification to HR&D within 90 days following completion of service.

#### **1012.4 POST-DEPLOYMENT PHASE**

Upon determining the date of return of the activated employee, the agency point-of-contact will promptly advise the Office of the Chief (or their designee), HR&D point-of-contact, and Professional Development Sergeant. A mandatory Return Interview between the Chief of Police (or their designee), HR&D point-of-contact, agency point-of-contact, the Professional Development Sergeant, and returning employee will be conducted as soon as practicable.

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This interview allows for documenting the description of the deployment, what was experienced (e.g. combat or rear area operations), and a holistic assessment of an employee's needs for successful reintegration to civilian law enforcement service. Recognizing employees returning from military deployment, particularly those involved in combat operations may have specialized requirements, the Return Interview needs assessment will include Employee Assistance Program (EAP) and other local mental health resources contact information.

The conduct of the Return Interview will be documented in writing by the agency point-of-contact noting the information provided to and from the returning employee.

#### 1012.4.1 REINTEGRATION TRAINING

Returning commissioned employees activated for 90 or more days will normally be assigned to the Office of Professional Development for purposes of completing reintegration training. If returning to an Operations Bureau, first-responder assignment, employees will complete a training program to include, but not limited to, the following subject areas:

- Firearms (to include qualifications)
- Defensive Tactics
- Emergency Vehicle Operations Course (EVOC)
- Reality Based Training (RBT)
- Department Policy, Training Bulletin, and Legal Updates

Once having successfully completed the prescribed curriculum, the returning first-responder employee will then be re-assigned to the Police Training Officer (PTO) Program until such time as deemed ready to return to full patrol duties.

Returning employees assigned to an Administrative role will complete reintegration training deemed applicable by the Professional Development Sergeant to their job and responsibilities.

#### 1012.4.2 IN-PROCESSING

The agency point-of-contact will coordinate with Fleet & Supply return of the employee's stored equipment necessary to support reintegration training and a return to full duty, to include ensuring serviceability of the items.

The agency point-of-contact will also assist the employee in interfacing with payroll for purposes of reestablishing pay and benefits.

# Nepotism and Conflicting Relationships

## 1013.1 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.

### 1013.1.1 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.

## 1013.2 RESTRICTED DUTIES AND ASSIGNMENTS

The department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, PTOs and other trainers will not be assigned to train relatives. PTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

#### 1013.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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#### 1013.2.2 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.

# Occupational Disease and Work-Related Injury Reporting

## 1014.1 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.

### 1014.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

## 1014.2 POLICY

The Port of Seattle 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.).

## 1014.3 RESPONSIBILITIES

### 1014.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to an on-duty supervisor.

All work-place injuries, illnesses and hazardous conditions will be reported to the Communications Center within 24 hours and an incident number will be obtained. Working with a supervisor, an, "Incident Analysis And Prevention Plan" (IAPP) must also be completed and filed as soon as practicable thru the Origami program (located on the Port's Intranet "Compass Page") in order to properly document all work related injuries and illnesses. In addition, if seeking medical attention, an SIF-2 packet (electronically available via the Port's Health & Safety webpage) must be completed.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the department of any change in condition or anticipated duration of the absence.

Employees that seek medical treatment for on-the-job injuries or illnesses must obtain documentation from a certified physician that documents their ability to work. The most current "Return to Work" (full duty) and "Return to Work" (light duty) job analyses are available on



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SharePoint. Injured employees are responsible for advising their doctor that limited duty may be available and that the Port of Seattle will provide a reasonable accommodation. The employee will immediately submit all work releases to their supervisor upon receipt. Injured employees cannot return to work after seeking medical attention without a documented release.

All employees are required to fully cooperate with accident investigations.

#### 1014.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that an, "Incident Analysis And Prevention Plan" (IAPP) is promptly completed and submitted thru the Origami program (located on the Port's Intranet "Compass Page"). In addition, if an employee is seeking medical attention, an SIF-2 packet (electronically available via the Port's Health & Safety webpage) must be completed.

Any related Port-wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the POSPD **Major Incident Notification** and **Accident, Illness and Injury Prevention** Policies apply and take additional action as required.

#### 1014.3.3 DIVISION COMMANDER RESPONSIBILITIES

The division commander who receives an IAPP thru Origami from a supervisor reporting an occupational disease or work-related injury should review the report for accuracy, determine what additional action should be taken, and re-submit the final IAPP within seven days of the incident. The final IAPP report (Word document) will be emailed through Origami back to the division commander. The division commander will then forward to Payroll Admin for records.

#### 1014.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee shall ensure copies of the report and related documents retained by the department are only filed in the member's confidential medical file.

#### 1014.4 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 commander through the chain of command and a copy sent to the Administrative Services Division Commander.

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.

#### 1014.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person, an "election form" needs to be completed within 60 days of receipt from Workers'

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Compensation. If the employee is subsequently contacted by the person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### 1014.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

If the employee is offered a settlement, a copy of the offer should first be sent to the Port of Seattle Workers' Compensation office before being accepted or rejected by the employee. The offer will be reviewed to ensure it is sufficient to cover the expenses that have been, or will be, paid on the employee's claim. Without written approval from Workers' Compensation, a settlement that doesn't cover the employee's past and future industrial insurance claim costs is invalid. For this reason, it is extremely important that the employee also notify Workers' Compensation if an injury involved the use of an automobile and the employee has been contacted by the Department of Licensing's Division of Financial Responsibility.

# Outside Employment

## 1015.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1015.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the department may be reimbursed for the cost of wages and benefits.

## 1015.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Permit Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Permit Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

### 1015.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Permit Application is denied or withdrawn by the department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to applicable labor agreement procedures.

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#### 1015.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at their discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has been cleared to return to full duty status.

#### 1015.3 PROHIBITED OUTSIDE EMPLOYMENT

The department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which, in its view, would:

- (a) Involve the employee's use of departmental time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involve the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involve the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involve time demands that would render performance of the employee's duties for this department less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

#### 1015.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

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Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employees working outside overtime shall be subject to the following conditions:
  - 1. The officer(s) shall wear the departmental uniform/identification.
  - 2. The officer(s) shall be subject to the rules and regulations of this department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services shall not be subject to the collective bargaining process.
  - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 1015.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment and should be reported as time worked on employee time records.

#### 1015.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, 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.

#### 1015.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment unless authorized to do so by the Chief of Police. 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.

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#### 1015.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the department may request that an employee provide their personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the department becomes concerned that a conflict of interest exists based on a financial reason, the department may request that the employee provide their personal financial records for review/audit. If the employee elects not to provide the requested records, their off-duty work permit may be revoked pursuant to REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS.

#### 1015.5 MATERIAL CHANGES OR TERMINATION OF OUTSIDE EMPLOYMENT

If an employee terminates their outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees are also required to disclose material changes in outside employment that occur after approval of outside employment has been granted to the Chief of Police in writing. For the purpose of this policy, such changes include any material change in the number of hours, type of duties or demands of outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### 1015.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify their supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the Port's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

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- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Port of Seattle Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

## Overtime Payment Requests

### 1016.1 PURPOSE AND SCOPE

It is the policy of the department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through applicable Collective Bargaining Agreement (CBA) / Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an Overtime/Comp Time Request as soon as practical after overtime is worked.

#### 1016.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a request for such a period, the employee shall comply.

### 1016.2 REQUEST FOR OVERTIME PAYMENT

Employees shall submit via PlanIt all Overtime/Comp Time Requests for verification by their immediate supervisor as soon as practical.

#### 1016.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and submit them via PlanIt for approval by their immediate supervisor or the applicable on-shift supervisor.

#### 1016.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request on the employee's PlanIt schedule.

### 1016.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record 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. The supervisor will enter the actual time worked.



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#### 1016.3.1 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 provide a reason for the variation which may be documented.

# Payroll Record Procedures

## 1017.1 PURPOSE AND SCOPE

Payroll records, to include an accurate accounting of hours worked, are submitted by all employees to Administrative Services Division on a bi-weekly basis for the payment of wages.

### 1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

All employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time sheets shall be submitted by employees electronically via the Peoplesoft program to Administrative Services Division.

### 1017.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records and all recordings of hours worked are to be accurate and up-to-date when reviewed by payroll personnel in the Administrative Services Division on the Monday following the end of the pay period, unless specified otherwise.

### 1017.1.3 RESPONSIBILITY FOR THE ACCURATE RECORDING OF HOURS

The Scheduler, using the PlanIt electronic scheduling system, will record a work schedule showing hours to be worked by each employee. Any variation to these hours worked are to be recorded in the PlanIt scheduling system by the Scheduler or a department supervisor.

## 1017.2 POLICY

The Port of Seattle Police Department maintains timely and accurate payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

# Personal Appearance Standards

## 1018.1 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.

## 1018.2 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.

### 1018.2.1 HAIR

Hairstyles of all members shall be neat in appearance; with hair coloring falling within naturally occurring shades.

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. Tightly wrapped braids or ponytails are authorized but if their length exceeds the bottom of the uniform collar, the braid/ponytail shall be wrapped and worn up.

### 1018.2.2 FACIAL HAIR

Facial hair other than sideburns, mustaches, goatees, and eyebrows shall not be worn, unless authorized by the Chief of Police or their designee.

Sideburns, mustaches and/or goatees which interfere with wearing of a respirator are not authorized.

### 1018.2.3 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend more than one quarter of an inch below the corners of the mouth or beyond the natural hairline of the upper lip. Length of mustache hair may not extend one quarter of an inch.

### 1018.2.4 SIDEBURNS

Sideburns shall not extend below the intertragic notch of the ear (the lowest notch within the inner ear lobe) and shall be trimmed and neat. Sideburns will not be allowed if the employee's head is shaved.

### 1018.2.5 GOATEES (ADMINISTRATIVE PERSONNEL)

Personnel working in non-uniformed, administrative assignments may wear a short and neatly trimmed goatee subject to the following parameters: Goatees shall not cover the mouth/lips and

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not extend beyond the chin under the face, down the neck, and/or running along the sides of the face. Length of goatee hair may not extend one quarter of an inch.

#### **1018.2.6 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 one-eighth of an inch beyond the tip of the finger.

#### **1018.2.7 JEWELRY AND ACCESSORIES**

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 member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual.

Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings worn by female uniformed members shall be a post type or small hoop measuring no more than one-quarter of an inch in diameter. No more than two earrings in each ear may be worn by female uniformed members.

Earrings shall not be worn by male sworn members without permission of the Chief of Police or their designee.

Only one ring may be worn on each hand of a sworn employee while on-duty.

#### **1018.3 TATTOOS**

At no time while on-duty or representing the department in any official capacity, shall any offensive tattoo or body art be visible.

Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

No tattoos shall be visible above the shirt collar or from the wrist to the tip of the fingers unless authorized by the Chief of Police or designee.

#### **1018.4 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 or designee. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) Non-medical subdermal or transdermal implantation (other than hair replacement).

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- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

# Personnel Complaints

## 1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Port of Seattle Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1019.1.1 DEFINITIONS

**Complaint** - The available information credibly indicates the possibility of misconduct by at least one identifiable member of the Port of Seattle Police Department.

**Inquiry** - The available information contains elements of a complaint without meeting the definition of a complaint.

**Major Complaint** - The most serious of allegations which are generally investigated by OPA or Workplace Responsibility. Major complaints allege an act or omission that would constitute willful or wanton disregard for agency policies and procedures.

**Minor Complaint** - Those complaints that may involve perceptual differences and possible violations of agency policies, procedures, and service.

**Misconduct** - Wrongful, improper or unlawful conduct that is generally motivated by premeditation or intentional purpose.

**Moderate Complaint** - Those complaints alleging actions by an employee in disregard of agency policies and procedures.

## 1019.2 POLICY

The Port of Seattle Police Department takes seriously all complaints regarding the service provided by the department and the conduct of its members.

The department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, Port of Seattle rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1019.3 ACCEPTANCE OF COMPLAINTS

All inquiries or complaints submitted to this department, regardless of the method received, shall be accepted for review and investigation. This includes anonymous complaints. Anonymous and third-party complaints should be investigated to the extent that sufficient information is provided.

In addition, any department member becoming aware of alleged misconduct shall immediately notify a supervisor. Supervisors shall also initiate a complaint based upon observed misconduct

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or receipt from any source alleging misconduct. Tort claims and lawsuits may also generate a personnel complaint.

#### 1019.3.1 AVAILABILITY OF COMPLAINT FORMS

There may be situations where a citizen wants to file a written complaint against an employee, but does not wish to speak to a supervisor. Under these circumstances, the citizen will be provided with the option of filling out a Department Citizen Complaint Form. The form may be completed at that time by the citizen or submitted at a later date. Department Citizen Complaint Forms are available in the POSPD Sergeant/Supervisor Forms section of SharePoint and hard copies are available in the POSPD lobby. The citizen may also be provided with the option of submitting a complaint using the citizen comment section on the POSPD web page by clicking on the “contact us” link.

#### 1019.3.2 COMPLAINT ACCEPTANCE

Generally, the majority of inquiries and complaints are received by one of the following methods: by written correspondence, in person or by phone.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

#### **Written Inquiries and Complaints**

All inquiries and complaints received by mail, e-mail or any other written means shall be forwarded to the administrative specialist of the Chief of Police. Once received, the administrative specialist shall reply to the complainant via written correspondence advising the complainant that their concerns were received and that an assigned investigator will be contacting them.

The administrative specialist will then forward the complainant's correspondence to the Office of Professional Accountability (OPA). Once received by OPA, the concern will be classified as an inquiry, minor complaint or a moderate/major complaint. Once classified, the incident will be assigned to the appropriate department member for investigation.

#### **In-Person or Called-In Inquiries and Complaints**

All in-person or called-in inquiries and complaints shall immediately be forwarded to an on-duty supervisor. If a supervisor is not immediately available to take the complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. Upon contacting the complainant the supervisor shall ensure the complaint is defined as clearly as possible, gathering as much of the following information as feasible:

- Contact information for the complainant to include phone numbers, mailing address and e-mail address
- A written statement from the complainant (at a minimum, the concerns of the complainant will be documented in writing by the person taking the complaint)
- Date, time and location of the incident
- Witness information

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- Identity of involved department members

The supervisor shall then determine if the concerns of the complainant amount to an inquiry, minor complaint or a moderate/major complaint (see definitions and classifications).

#### 1019.3.3 CLASSIFICATION OF COMPLAINTS AND INQUIRIES

Complaint allegations are classified as Minor, Moderate, or Major. The classification of the complaint allegation is assigned by the OPA, and the complaint is reviewed at the Commander or Chief of Police level, consistent with the classification of investigation. When initial intake of a complaint allegation is investigated by a Sergeant, a Commander's review is required. When a complaint allegation is investigated by the OPA, review is required by the Chief of Police.

Citizen concerns about police performance that do not rise to the level of complaint will be classified as an inquiry. Refer to the **Definitions** Subsection of this Policy for corresponding definitions.

#### 1019.3.4 CHIEF OF POLICE NOTIFICATION (CALEA 26.3.2)

**Moderate and Major Complaints** - Complainant allegations of misconduct deemed to be moderate or major in nature are to be reported to the Command Duty Officer (CDO) as soon as practical. The CDO will then ensure the Office of the Chief of Police is made aware of the allegation in a timely manner.

**Minor Complaints** - Complainant allegations of misconduct deemed to be minor in nature do not require immediate notification to the Office of the Chief of Police. Generally, notification to the Office of the Chief can be made once the minor complaint investigation has been completed and a complaint disposition is needed.

#### 1019.4 DOCUMENTATION

All complaints and inquiries shall be documented within BlueTeam. The BlueTeam system electronically records and tracks inquiries and complaints. Information entered into BlueTeam shall include the nature of the complaint and the steps taken to investigate the complaint.

#### 1019.5 ADMINISTRATIVE INVESTIGATIONS

When a serious, credible allegation against a Port of Seattle Police Department employee is received, the POSPD Office of the Chief, POSPD Office of Professional Accountability (OPA), Port Human Resources (HR), Port Workplace Responsibility (WPR), and Port Legal will meet to confer on the details of the allegation(s) and determine if the whole of the case will be investigated by OPA, HR, or WPR. In some cases, the investigation may be conducted by both OPA and HR/WPR, depending on the variety of issues involved.

The Notice of an investigation will explicitly state the name(s) of the investigator(s) and the investigator's official position as an employee or contracted employee of the Port of Seattle. Investigation timelines will be in accordance with the current bargaining agreement of the involved employee.

Allegations of misconduct will be administratively investigated as follows.



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#### 1019.5.1 ASSIGNMENT OF ADMINISTRATIVE INVESTIGATIONS

Complaints regarding the following will be investigated internally by the POSPD OPA:

- Anything specific to the law enforcement profession, e.g. violations of firearms safety policy, evidence collection methods, chain of custody issues, officer safety tactics, report writing issues and/or decision-making/judgment on calls
- Conduct on- or off-duty that does not involve bias or harassment e.g. issues with punctuality, responsiveness to training, adherence to lawful orders
- DUI
- Theft and/or misappropriation of resources
- DV

Complaints regarding the following will be investigated by Port HR and/or Port WPR:

- Any credible and serious allegation of bias or harassment, or other violation of employment law protections of any person—PD colleague, other Port employee, or person-at-large

#### 1019.5.2 CONFLICT OF INTEREST AND INVESTIGATIVE RECUSALS

Any department member investigating a complaint allegation shall remain neutral in their investigations, avoiding any conflicts of interest. When in doubt about the possibility of a conflict of interest, the investigator shall report the information to the Office of the Chief of Police. Any subject or witness to an investigation shall be allowed to report a potential conflict of interest directly to the investigator or to the Office of the Chief of Police. Any complaint allegation that names the Chief of Police will be reported to the Deputy Executive Director of the Port of Seattle.

If there is a question or possibility of a conflict of interest in an investigation, the Office of the Chief of Police will take into consideration the following:

- (a) The investigator's belief that they cannot conduct a fair and impartial investigation; and/or
- (b) The investigator's personal involvement in the matter under investigation;
- (c) The investigator's close personal relationship, whether on or off-duty, with any of the parties involved. A close relationship may include, but is not limited to:
  - 1. Current or former familial relationships;
  - 2. Current or former dating or intimate relationships;
  - 3. Current or former business or financial relationships;
  - 4. Personal and social relationships; or
  - 5. Close work relationship (to be determined on a case-by-case basis).

Should the investigative situation require deconfliction, the Office of the Chief of Police may reassign the investigation or limit the investigator's duties with respect to the matter being investigated.

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#### 1019.5.3 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities will be determined by classification of the complaint:

**Inquiries** - If the concerns of the complainant are deemed to be an inquiry, the supervisor should clarify the actions of the department member and attempt to assure that the complainant's concerns have been addressed.

**Minor Complaints** - If the concerns of the complainant are deemed to be consistent with the definition of a minor complaint, the supervisor shall investigate the complaint and notify a commander.

The supervisor's investigation may consist of:

- Interviewing the involved officer(s)
- Interviewing witness officer(s)
- Interviewing citizen witnesses
- Reviewing available video or audio recordings
- Gathering applicable reports

All information regarding minor investigations is to be entered into BlueTeam by the investigating supervisor and forwarded to the applicable commander/manager.

The following is a non-inclusive list of documents that should, if available, be electronically attached to the BlueTeam entry prior to it being forwarded to a commander/manager:

- Complainant statement/correspondence
- Copies of case or incident reports
- Applicable photos
- Department member statement
- Witness statements
- Supervisor's investigative report narrative
- Applicable audio and video recordings

Once received, the commander/manager will verify all needed information is included in the investigating supervisor's BlueTeam entry. The commander/manager will then present the investigation materials to the appropriate Deputy Chief or Chief of Police. The Deputy Chief or Chief of Police will be responsible for administering findings resulting from minor investigations. Once complete, the commander/manager will attach the completed Minor Complaint Disposition Form to the BlueTeam entry and forward the BlueTeam entry to IA Pro for filing and closeout.

When applicable, correspondence regarding the disposition of minor complaints will be sent from the Office of the Chief to the complainant.

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**Moderate or Major Complaint** - If the concerns of the complainant are deemed to be consistent with the definition of a moderate or major complaint, the supervisor will notify a commander and shall gather as much information as possible inclusive of:

- Contact information for the complainant to include phone numbers, mailing address and e-mail address if possible
- A written statement from the complainant (at a minimum, the concerns of the complainant will be documented in writing by the person taking the complaint)
- Date, time and location of the incident
- Witness information
- Identity of involved department members
- Any other applicable information

The supervisor will then enter and attach all applicable information into BlueTeam and forward it to the affected commander for review and submission. The commander will review the submission and if it is agreed the event was properly classified as a moderate or major complaint, the information will be forwarded to the Office of Professional Accountability for assignment.

#### 1019.5.4 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Accountability, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Port of Seattle Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
- (g) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously

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interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.

- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (l) An employee covered by civil service shall be provided a written statement of all accusations with a duplicate statement filed with the Civil Service Commission (RCW 41.12.090; RCW 41.14.120).

#### 1019.5.5 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses the alleged acts did not occur or did not involve department members. Complaints determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted a violation of department policy or employee misconduct.

**Performance Issue** - When the investigation discloses the employee's actions failed to meet the performance expectations of the department but did not rise to the level of a sustained policy violation.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1019.5.6 COMPLETION OF INVESTIGATIONS (CALEA 26.3.3)

An administrative investigation should not extend over ninety calendar days. If circumstances prevent the completion of the investigation within this time limit, the accused employee shall be notified in writing by the investigator or supervisor by the ninety-first day stating the reason for the extension and the expected timeline the investigation should be completed.

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#### **1019.6 ADMINISTRATIVE SEARCHES**

Notwithstanding exceptions noted in the Collective Bargaining Agreement, which includes reasonable suspicion of the use of intoxicants by an officer, no officer may be administratively compelled to provide a blood or breath sample for alcohol and/or drug screening. In cases where a sample is compelled as the result of allowances noted in the Collective Bargaining Agreement, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency without the consent of the officer. The use of compelled testing results shall be restricted to only the administrative investigation.

In accordance with the Collective Bargaining Agreement's Officer's Bill of Rights, absent permission from the officer or obtaining a search warrant, assigned lockers may not be searched as part of an administrative investigation without first, providing reasonable, advance notice to the officer the search will take place.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communication devices provided by the department.

Department storage spaces and other common areas, including desks, assigned offices and vehicles, may be searched at any time as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such department storage spaces and common areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

#### **1019.7 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### **1019.8 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Chief of Police may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1019.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of an administrative investigation, an investigation report should be forwarded to the Office of the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### **1019.9.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

##### **1019.9.2 CHIEF OF POLICE RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Office of the Chief of Police shall review the recommendation and all accompanying materials. The Office of the Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Office of the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event that the proposed disciplinary action involves a property loss element to the employee, the Chief of Police shall provide the member with a written notice and the following:

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- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police prior to the proposed discipline being imposed on the member.
  - (a) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

Once the Office of the Chief of Police has approved the final disposition of an investigation, the complainant should be notified of the results, if applicable.

#### **1019.10 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to voluntarily present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved Union representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1019.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (RCW 43.101.135).

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#### **1019.12 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or personnel rules.

In the event of punitive action against an employee covered by civil service, the appeal process shall be in compliance with RCW 41.12.090 and RCW 41.14.120.

#### **1019.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

#### **1019.14 PERSONNEL INVESTIGATION RECORDS**

##### **1019.14.1 CONFIDENTIALITY OF INVESTIGATIVE RECORDS**

All investigations of personnel complaints shall be considered confidential police employee personnel records (Policy Manual § 1026). The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq., and RCW 70.02).

In the event an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the department may disclose sufficient information from the employee's employment record to refute such false representations.

Sustained allegations of misconduct shall be documented and maintained in the employee's department file and retained in accordance with the Washington State Records Retention Schedule. Complaint allegations which are unfounded, exonerated, not sustained or classified as a performance issue shall be maintained by the Office of the Chief of Police apart from the employee's department file.

##### **1019.14.2 RETENTION OF COMPLAINT INVESTIGATION RECORDS**

The Office of the Chief of Police shall maintain a complete record of all complaint investigations regardless of finding of fact. These records shall be maintained separate from the employee's department file.



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The retention timelines for complaint investigation records shall be in adherence to the Washington State Records Retention Schedule.

Once a complaint investigation file has been purged, the involved employee shall be notified.

#### **1019.14.3 COMPLAINT INVESTIGATION RECORDS CONTENT**

Complaint investigative records shall contain relevant investigative materials to include:

- (a) Investigative reports.
- (b) Statements.
- (c) Recorded information including audio, video, photos, and transcripts.
- (d) Final disposition and corrective action taken.

#### **1019.15 NOTIFICATION TO WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION (WSCJTC) CERTIFICATION BOARD**

Upon separation of a peace officer for any reason, the Department shall, within 15 days of the separation, notify the WSCJTC on a personnel action report form provided by the commission. When a resignation or retirement is accepted in lieu of termination, the reasons and rationale shall be included in the information provided to the WSCJTC, including the findings from any internal or external investigations into alleged misconduct (RCW 43.101.135).

The WSCJTC shall be notified within 15 days of an initial disciplinary decision made by the Department for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification (RCW 43.101.135).

The WSCJTC shall also be notified regarding any decision to discipline an officer for failure to intervene or for failure to report an incident of excessive force or any wrongdoing by another peace officer for determination of suspension or revocation of certification (RCW 10.93.190).

The Department shall provide timely updates on an internal investigation reported to the WSCJTC and provide a summary of findings to the WSCJTC within 15 days of concluding the investigation (WAC 139-06-020).

The Department shall, upon request of the WSCJTC, provide such additional documentation or information as the commission deems necessary to determine whether the separation or event provides grounds for suspension or revocation of the peace officer's certification (RCW 43.101.135).

# Personnel Incident Documentation / Early Intervention System

## 1020.1 PURPOSE AND SCOPE

The Port of Seattle Police Department utilizes the BlueTeam / IA Pro computer programs to document specific incidents in which department members may become involved and to administer the Department's Early Intervention (EI) system.

The EI system is used to identify potential employee performance issues, based on pre-determined thresholds, not warranting formal disciplinary action but which could suggest an employee may be experiencing problems. The intent of this system is to provide timely non-punitive intervention while emphasizing training and reaffirmation of department policy and our guiding principles. A successful EI system should result in identification of potential performance issues, enhanced employee accountability, integrity, and improved performance.

BlueTeam / IA Pro is operated and maintained by the Office of Professional Accountability (OPA).

## 1020.2 MANDATORY INCIDENT REPORTING REQUIREMENTS

As soon as practicable, personnel are to report their involvement in the following types of incidents to their supervisors.

Whether employee reported or supervisor initiated, supervisors shall generate BlueTeam entries in a timely manner documenting these types of incidents involving their subordinates:

- Minor Complaints (Internal or External)
- Moderate / Major Complaints (Internal or External)
- Vehicle Pursuit Events
- Reportable Use of Force Events
- Employee Involved Vehicle Accidents (On-Duty)
- Supervisor Early Intervention Alerts
- Commendations or Awards
- Citizen Inquires
- Firearm Discharges
- Taser Discharges
- Lost or Damaged Equipment
- Off-Duty Police Contact
- Off-Duty Enforcement Action
- Involvement in Civil Incidents or Litigation

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### *Personnel Incident Documentation / Early Intervention System*

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#### **1020.3 EARLY INTERVENTION (EI) ALERTS AND THRESHOLD LEVELS**

The EI feature of the BlueTeam program will be used to alert supervisors when specific actions or incidents associated with their subordinates have met predetermined thresholds.

Of the mandatory reporting incidents previously listed, the following events will be tracked and used as incidents which will trigger an “alert” and cause a supervisor to conduct an EI Alert review with the affected employee:

- Minor Complaints (Internal or External)
- Moderate / Major Complaints (Internal or External)
- Vehicle Pursuit Events
- Reportable Use of Force Events
- Preventable Employee Involved Vehicle Accidents (On-Duty)

For the above tracked incident types the following threshold levels shall be used to prompt EI alerts:

- Three entries in any one of the categories within the previous twelve-month period.
- A total aggregate of four entries from all categories within the previous twelve-month period.

#### **1020.4 EARLY INTERVENTION ALERT REVIEW**

When an employee “alerts” after meeting the alert threshold, the OPA Sergeant shall generate an EI Alert BlueTeam entry and forward it to the employee’s first-line supervisor.

When an employee's first-line supervisor receives the alert notification, the supervisor will conduct a review of the pertinent data and personally discuss the information with the employee. The supervisor and employee will jointly evaluate any performance issues identified and attempt to determine whether a potential problem exists.

Following meeting with the employee, the supervisor, in collaboration with the affected commander / manager, will develop appropriate interventions, if needed, to correct any performance issues. The supervisor and commander / manager shall then prepare an EI Alert Review Report outlining results of their discussions and any recommended intervention.

Dependent on what types of issues are discovered, potential types of intervention techniques may include, but are not limited to:

- The Development of a Performance Plan
- Supervisor Coaching / Counseling
- Peer Support / Counseling
- Career Counseling
- Remedial Training

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### *Personnel Incident Documentation / Early Intervention System*

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- Change of Assignment
- Employee Assistance Program (EAP) Referral

If it is decided intervention is appropriate, the commander / manager will assure the elements of the intervention plan are documented in the EI Alert Review Report and carried out.

The commander / manager shall also ensure the completed EI Alert Review Report and any supporting documents are attached to the EI Alert BlueTeam entry prior to it being forwarded to OPA.

Any subsequent documentation regarding the EI Alert or provided intervention shall be forwarded to the OPA Sergeant for inclusion into the EI Alert entry.

#### **1020.5 SUPERVISOR GENERATED ALERTS**

Supervisors have discretion to initiate the EI System independent of the BlueTeam EI feature. A supervisor's decision to initiate an EI Alert may be based on the employee's involvement in the previously listed mandatory reporting incidents or other observed performance or conduct deficiencies.

#### **1020.6 DOCUMENTATION AND ROUTING OF EARLY INTERVENTION SYSTEM EMPLOYEE ALERTS**

For additional information regarding procedure for documenting and routing of EI Alerts, please refer to the POSPD Incident Documentation Guide. This document also details responsibilities of the OPA Sergeant as well of the employee's first and second level supervisors with regards to the EI Alert process.

#### **1020.7 PROGRAM EVALUATION**

An annual evaluation of the EI system shall be conducted by the Professional Standards and Development Division Commander or designee to ensure it is meeting the needs of the department and its employees. This review shall also include any needed recommendations regarding program changes, its usage and/or department policy.

#### **1020.8 CONFIDENTIALITY OF INFORMATION**

Information compiled to facilitate the EI system shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law.

## PlanIt Scheduling System

### 1021.1 PURPOSE AND SCOPE

PlanIt is the department's automated scheduling program. All Port of Seattle Police officers shall comply with the following guidelines when utilizing the PlanIt automated scheduling program.

### 1021.2 CHECKING WHILE ON DUTY RECOMMENDED

On duty personnel with connectivity should check their PlanIt schedule at least once per shift.

### 1021.3 SCHEDULING VOLUNTARY OVERTIME

Officers shall only sign up for overtime (OT) they will work. Once officers have been "auto assigned" or "offered" and have accepted overtime, the hours scheduled are considered "hours worked" for the OT list, even if the officer does not work it.

Once the scheduler has assigned all OT for a specific cycle, and an officer does not want to be called to fill any last minute vacancies, they must remove their name from the days on the calendar where they initially indicated availability to work OT.

If an officer accepts scheduled OT, but later cannot work the assigned shift, the vacancy must go back to the scheduler to be reassigned. If it is a last minute cancellation and the scheduler does not have sufficient time to find a replacement (e.g., over the weekend), the officer must contact an on-duty shift supervisor and advise them they are not going to work the OT. Officers are prohibited from giving away voluntary OT.

Sergeants will make a reasonable attempt to schedule OT in accordance with the "hours worked list". If a supervisor overrides the "hours worked list", the reason shall be documented by the sergeant on the schedule in the "notes".

### 1021.4 REQUESTS FOR LEAVE (NON-BID AND BID-VACATION)

For a non-bid or bid-vacation request to be honored, and to ensure an officer is not placed on the schedule, the officer must submit a leave request via PlanIt for the vacation time at least 30 days in advance. If an officer fails to submit a vacation request for a non-bid or bidtime off at least 30 days in advance, the vacation request may be denied.

Once an officer's leave request is approved, the officer may withdraw the request any time prior to the 30 day advance notice requirement. An officer may only withdraw a vacation request within the 30 day advance notice for legitimate reason(s) or circumstances beyond their control. Examples of legitimate reasons for canceling an approved vacation with minimal notice would include:

- A serious illness in the family.
- Severe weather at your vacation destination.

### 1021.5 PLANIT SUPERVISORY GUIDELINES

To facilitate and ensure accurate scheduling records, supervisors are responsible for updating PlanIt with all schedule changes to include sick leave, changes in work hours, off-roster

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### *PlanIt Scheduling System*

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comments, and other information essential to ensure employee time records are accurate. Detailed information regarding standardized codes or acceptable entry comments are available from the Police Specialist PlanIt Administrator.

## Recruitment and Selection

### 1022.1 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 Port of Seattle Police Department and that are promulgated and maintained by the Port of Seattle Human Resources Department.

### 1022.2 POLICY

In accordance with applicable federal, state and local law, and in cooperation with the Port of Seattle Human Resources Department, the Port of Seattle 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.

### 1022.3 RECRUITMENT (CALEA 31.2.1)

The Services Bureau Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Services Bureau Commander 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.

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### *Recruitment and Selection*

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#### **1022.4 SELECTION AND PROCESS (CALEA 31.4.1)**

The following is a description of the elements and activities of the selection process for all police personnel. All candidates being considered for employment may also be required to submit to a final interview with the Chief of Police or designee prior to being hired.

##### **1022.4.1 COMMISSIONED PERSONNEL SELECTION AND PROCESS**

The department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (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 verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
- (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 computer voice stress analyzer (CVSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available
- (l) Any relevant information in the National Law Enforcement Accountability Database

**Entry-Level Police Officer** - Applicants must initially pass a written test (minimum score of 70%) and pass the Washington State Criminal Justice Training Commission Physical Ability Test (pass / fail). Those achieving passing scores will be scheduled for an oral board interview. Applicants must receive an oral board interview score of at least 70% to pass.

Applicants meeting these standards will be placed on an eligibility list for a period of one year. Applicants whose names are drawn from this list will be required to successfully pass the standards promulgated in policy §1000.7.1 prior to being considered for employment.

**Lateral Police Officer** - Applicants meeting the Port of Seattle Police Department lateral police officer candidate standards may participate in the lateral officer hiring process.

To participate in the lateral process, applicants shall:



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### *Recruitment and Selection*

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- Complete an online HR Application.
- Complete the Automatic Disqualification Questionnaire.
- Complete and pass the department's physical agility test (pass / fail).
- Successfully complete a process consistent with Civil Service rules.

Qualified lateral candidates who pass all of the above will be ranked in order and placed on an eligibility list for a period of one year.

Applicants whose names are drawn from this list will be required to successfully pass the standards promulgated in the **Standards for Officers** Subsection of the POSPD **Recruitment and Selection** Policy prior to being considered for employment.

#### 1022.4.2 POLICE SPECIALIST

Applicants for the Police Specialist position must complete a Port of Seattle employment application and submit a resume. Applicants whose experience and qualifications most closely meet the position requirements will be invited to participate in an oral board interview. Candidates must receive an oral board interview score of at least 70% to pass. Applicants meeting these standards will be ranked in order on an eligibility list for a period of one year. Applicants whose names are drawn from this eligibility list will be required to successfully pass the standards promulgated in the **Standards for Police Specialists** Subsection of the POSPD **Recruitment and Selection** Policy prior to being considered for employment.

#### 1022.4.3 POLICE / FIRE COMMUNICATION SPECIALIST

Applicants for the Police / Fire Communications Specialist position must complete a Port of Seattle employment application and submit a resume. Applicants whose experience and qualifications most closely meet the position requirements will be invited to participate in computer based testing process (Criticall). Candidates must receive a score of at least 70% to pass the computer based testing process. Those achieving passing scores will be scheduled for an oral board interview. Applicants must receive an oral board interview score of at least 70% to pass.

Applicants who, on the Criticall exercise and the oral board interview, receive a weighted score of at least 70% will be ranked in order and placed on an eligibility list for a period of one year. Applicants whose names are drawn from this list will be required to successfully pass the standards promulgated in the **Standards for Police / Fire Communications Specialists** Subsection of the POSPD **Recruitment and Selection** Policy prior to being considered for employment.

#### 1022.4.4 TRAFFIC SUPPORT SPECIALIST

Applicants for the Traffic Support Specialist position must complete a Port of Seattle employment application and submit a resume. Applicants whose experience and qualifications most closely meet the position requirements will be invited to participate in an oral board interview. Candidates must receive an oral board interview score of at least 70% to pass. Applicants meeting these standards will be ranked in order on an eligibility list for a period of one year. Applicants whose names are drawn from this eligibility list will be required to successfully pass the standards

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promulgated in the ***Standards for Traffic Support Specialists*** Subsection of the POSPD ***Recruitment and Selection*** Policy prior to being considered for employment.

#### 1022.4.5 NON-REPRESENTED POSITIONS

The hiring process for non-represented positions, both sworn and civilian, shall be governed by Port of Seattle Human Resources policy. These positions include the Chief of Police, Deputy Chiefs of Police, Administrative Assistant and Communications Manager.

The selection process for these positions, as set out in Port policy, may include the following:

- Applicant screening
- Resume
- Written test
- Position specific testing
- Oral board interview

Successful applicants may also be required to successfully pass the standards promulgated in the ***Standards for Non-Represented Positions*** Subsection of the POSPD ***Recruitment and Selection*** Policy prior to being considered for employment.

#### 1022.4.6 VETERAN PREFERENCE

The department will provide veteran preference percentages as required (RCW 41.04.010).

### 1022.5 BACKGROUND INVESTIGATION

Every candidate for employment 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 Port of Seattle Police Department (RCW 43.101.095; WAC 139-07-020).

#### 1022.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

#### 1022.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Criminal Investigations Division Commander or designee shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

The Criminal Investigations Division Commander or designee 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.

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### *Recruitment and Selection*

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- (c) The department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Criminal Investigations Division Commander or designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### **1022.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

#### **1022.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### **1022.5.5 BACKGROUND CERTIFICATION**

Upon completion of the background investigation of a candidate who has received a conditional offer of employment with the Port of Seattle Police Department, the background investigator shall certify to the Washington State Criminal Justice Training Commission (WSCJTC) 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).

#### **1022.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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### *Recruitment and Selection*

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A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1022.7 EMPLOYMENT STANDARDS**

All prospective candidates for employment 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 Port of Seattle Human Resources Department should maintain validated standards for all positions.

##### **1022.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) and the Port of Seattle Police Department (RCW 43.101.095):

- (a) Be eligible for WSCJTC 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) Submit to a background investigation
- (g) Submit to a medical evaluation
- (h) Pass a drug screen
- (i) Be eligible to work under federal law as a U.S. citizen, lawful permanent resident, or Deferred Action for Childhood Arrivals (DACA) recipient

##### **1022.7.2 STANDARDS FOR POLICE SPECIALISTS**

Police Specialist applicants whose names are drawn from the eligibility list will be required to successfully pass a background investigation, a psychological evaluation and a polygraph examination prior to being considered for employment.

##### **1022.7.3 STANDARDS FOR POLICE / FIRE COMMUNICATION SPECIALISTS**

Police / Fire Communication Specialist applicants whose names are drawn from the eligibility list will be required to successfully pass a background investigation, a psychological evaluation, polygraph examination, drug screen, and a medical evaluation prior to being considered for employment.

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#### 1022.7.4 STANDARDS FOR TRAFFIC SUPPORT SPECIALISTS

Traffic Support Specialist applicants whose names are drawn from the eligibility list will be required to successfully pass a background investigation, polygraph examination, drug screen, and medical examination prior to being considered for employment.

#### 1022.7.5 STANDARDS FOR NON-REPRESENTED POSITIONS

Successful applicants for non-represented positions may be required to successfully pass additional processes as applicable that may include a background investigation, a psychological evaluation, a polygraph examination, drug screen and a medical evaluation prior to being considered for employment.

#### **1022.8 POSITION DESCRIPTIONS (CALEA 21.2.2)**

The description of the duties, roles, and responsibilities for each job classification within the department is available for review by all employees (e.g., via *SharePoint*). Working in concert with Port of Seattle Human Resources, every four years the department will complete, and document, a review of all position descriptions ensuring they accurately reflect the work currently being performed.

#### **1022.9 PROBATIONARY PERIODS**

The Services Bureau Commander should coordinate with Port of Seattle Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Additional information related to probationary periods may be found in the POSPD ***Evaluation of Employees*** Policy.

# Reporting of Employee Arrests, Convictions, and Court Orders

## 1023.1 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 Port of Seattle 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).

## 1023.2 POLICY

The Port of Seattle 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

## 1023.3 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.

## 1023.4 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 Watch Commander 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 Washington State Criminal Justice Training Commission (WSCJTC) certification.

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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.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the POSPD **Retired Officer CPL Endorsements** Policy).

#### **1023.4.1 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION**

The Administrative Services Division Commander shall ensure that notification has been made to WSCJTC within 15 days of learning that an officer has been charged with a crime (RCW 43.101.135).

#### **1023.5 PROCEDURE FOR RELIEF**

Relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee, the employee may be placed on unpaid administrative leave, reassigned or disciplined (including terminated). The department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

#### **1023.6 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.

## Sick Leave

### 1024.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's applicable labor agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50A.05.005 et seq.).

### 1024.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family.

Sick leave is intended to be used for qualified absences (RCW 49.46.210). Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits (WAC 296-128-750). Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

#### 1024.2.1 NOTIFICATION

Employees shall notify the on-duty shift supervisor or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor (WAC 296-128-650).

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the department with no less than 10-days notice of the intent to take leave (WAC 296-128-650).

### 1024.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work (WAC 296-128-660).

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.



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#### **1024.4 SUPERVISOR RESPONSIBILITY**

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 the Department of Human Resources and Development 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.

##### **1024.4.1 SICK LEAVE REPORTING**

A supervisor shall ensure the updated duty status is entered into PlanIt.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for.

#### **1024.5 RETALIATION**

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

# Smoking and Tobacco Use

## **1025.1 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 Port of Seattle 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.

## **1025.2 POLICY**

The Port of Seattle Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

## **1025.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Port of Seattle Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside Port facilities and vehicles.

## **1025.4 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).

## Specialty Positions and Promotions

### 1026.1 PURPOSE AND SCOPE (CALEA 34.1.1)

The purpose of this policy is to establish guidelines for promotions and for specialty positions within the Port of Seattle Police Department. The term specialty position incorporates special assignments, special teams / units, and/or other programs within this policy.

#### 1026.1.1 GENERAL REQUIREMENTS

The qualifications for promotion or assignment / transfer to a special team, program, or assignment will be published and distributed to those eligible for application. Specific qualifications will be based upon the requirements of the position, and the assessment process will be designed to measure the qualifications of the applicant as they relate to the position.

In addition to qualifications specific to a position, the following considerations may also be used in evaluating employees for promotion or transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to organizational goals and objectives in a positive manner.

### 1026.2 POLICY

The Port of Seattle Police Department determines promotions and transfers in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Promotions and transfers are made by the Chief of Police or their designee as detailed below.

### 1026.3 SPECIALTY POSITIONS

Positions on the following special assignments, special teams, and special units are considered transfers and are not considered promotions:

- (a) Bike Team
- (b) Boat Team
- (c) Bomb Disposal Unit
- (d) Crowd Management Unit (CMU)

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- (e) Detective
- (f) Dive Team
- (g) Explosive Detection K-9 Unit
- (h) Fleet & Supply Officer
- (i) Honor Guard
- (j) Hostage Negotiations Team (HNT)
- (k) Office of Professional Development (OPD) / Training
- (l) Office of Professional Standards (OPS) / Policy and Accreditation
- (m) Police Training Officer (PTO) Unit
- (n) Special Weapons and Tactics (SWAT) Team
- (o)
- (p)
- (q)
- (r)
- (s)
- (t)
- (u)
- (v)
- (w)
- (x)
- (y)
- (z)
- (aa)
- (ab)
- (ac)
- (ad)

#### 1026.3.1 SELECTION PROCESS

Selection for assignment to specialty positions will be in accordance with position-specific assessments as approved by the Chief of Police.

Eligible applicants will be off probation at the time of appointment and will have obtained a written endorsement from their direct supervisor.

At the discretion of the Chief of Police, the selection process for these positions may be waived for temporary assignments, emergency situations, or for training purposes.

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#### 1026.3.2 LENGTH OF APPOINTMENTS

- (a) Special Assignments include: Detective, Evidence Technician, Fleet & Supply, Office of Professional Development (OPD) / Training, Office of Professional Standards (OPS) / Policy and Accreditation.
  - 1. Officers may request a year-to-year extension on the initial five years by submitting a memorandum via the Chain of Command to the Chief of Police. The yearly extension may be granted at the discretion of the Chief of Police or their designee in consultation with the assignment supervisor. Factors which will be considered in approving the extension include:
    - Performance of officer in Special Assignment.
    - Operational needs of the department.
  - 2. Initial Special Assignment appointments, contingent upon acceptable performance, will normally be for five years (see paragraph D below).
- (b) Special Teams / Units include: Boat Team, Bomb Disposal Unit (BDU), Crowd Management Unit (CMU), Dive Team, Explosives Detection K-9, Hostage Negotiations Team (HNT), Special Weapons and Tactics (SWAT) Team, and Patrol Training Officer (PTO).
  - 1. Special Teams / Unit appointments, contingent upon acceptable performance, shall normally be permanent appointments (see paragraph D below).
  - 2. K-9 appointments shall normally be for the working life of the dog. In the event a handler's dog becomes unserviceable (e.g. retires or expires), the Chief may approve the handler receive a replacement dog, contingent upon TSA approval and previous acceptable performance (see paragraph D below).
- (c) Other Programs include: Bike Team, Body-Worn Camera (BWC) Program, Defensive Tactics Program, Emergency Vehicle Operations Course (EVOC) Program, Firearms Program, First Aid Program, Honor Guard, Patrol Tactics Program, TASER Program, or members of other programs which utilize specialized tools and/or training for which no additional premium, incentive or differential pay is received by program members for participation.
  - 1. Other Program appointments, contingent upon acceptable performance, shall normally be permanent appointments (see paragraph D below).
- (d) Exceptions to length of Special Assignment, Special Team / Unit, and/or Other Program appointments.
  - 1. Voluntary resignation by the assigned officer.
  - 2. Unsatisfactory performance by the assigned officer in the officer's primary assignment and/or specialty assignment as defined by the Chief of Police or their designee in consultation with the supervisor. Removal from a Specialty Position may be permanent or temporary at the discretion of the Chief of Police or their designee.
  - 3. Presence of qualified candidates for Specialty Positions: If no qualified candidates apply for Specialty Position openings, the incumbent officer may be

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extended on a year-to-year basis at the discretion of the Chief of Police or their designee in consultation with supervisor. Factors which will be considered in approving the extension include:

Performance of officer in the Specialty Position.

Operational needs of the department.

4. Promotion out of the Specialty Position: Acceptance of a promotion and/or additional duties may be contingent upon resignation from the assigned Special Team / Unit, Special Assignment, and/or Other Program at the discretion of the Chief of Police or their designee.
- (e) An officer or sergeant may be appointed to temporary duty in a Specialty Position at the discretion of the Chief of Police or their designee, the duration of which will be specified at the time of appointment.

#### **1026.5 PROMOTIONS**

The Port of Seattle Police Department, in partnership with the Port of Seattle Human Resources Department, is responsible for coordinating and administering the testing of candidates in the promotional process. Promotion within the Port of Seattle Police Department is governed by the Port of Seattle Civil Service Commission rules and Port of Seattle Police Department policy. Prerequisites or minimum experience / qualification standards should be included in the notice announcing the promotional opportunity. Reference to the applicable position's job description may be used in the announcement to help describe the desired prerequisites or minimum experience / qualification standards. Candidates that pass the promotional process shall be placed on an eligibility list. The promotional eligibility list shall be valid for one year unless vacated or extended by the Chief of Police.

##### **1026.5.1 ASSESSMENT CENTERS**

At the discretion of the Chief of Police, the department may contract with an outside vendor to conduct an assessment center to create a list of qualified candidates for actual or potential promotion openings. The assessment center is a comprehensive, standardized program in which participants are systematically observed over a one or two day period and evaluated to determine promotional eligibility.

Vendors chosen to conduct an assessment center for the department should be able to provide the following:

- (a) The ability to measure dimensions, attributes, characteristics, qualities, skills, abilities and knowledge specified in a written job analysis.
- (b) Multiple assessors who are trained prior to participating in the assessment.
- (c) Techniques designed to provide information that is used in evaluating the candidates for previously determined dimensions, attributes and qualities.
- (d) Job related simulation exercises that have been pre-tested prior to use to ensure that the techniques provide reliable, objective and relevant information.

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- (e) The ability to conduct an oral board interview based on criteria set forth by the department.
- (f) The use of a form or forms to record and document the observations of the assessors at each stage of the process.
- (g) The ability to provide participants and the department with defensible, written rationale and information concerning the dimensions, ratings and recommendations of the center.

#### 1026.5.2 WRITTEN EXAM

At the discretion of the Chief of Police, promotional candidates may be required to complete a job-related written exam and score at least 70% to participate in the assessment center. There may be situations where the assessment center will not be able to accommodate a large number of candidates. During these situations, participation in the assessment center may be limited to only a specific, pre-determined number of candidates that achieve the highest written exam scores over 70%.

#### 1026.5.3 ORAL INTERVIEW

An oral interview, whether conducted during the assessment center or by the Chief of Police or designee, shall be administered prior to any candidate being promoted.

#### 1026.5.4 ASSESSMENT RESULTS REVIEW AND APPEAL

All participating candidates are permitted to review the written results of their own scored elements of the selection process. Candidates wishing to conduct such a review may do so by contacting the appropriate division commander responsible for the assessment.

Candidates are permitted to appeal the results of any element of the promotional process. Appeal procedures are governed by the Port of Seattle Civil Service Commission rules.

#### 1026.5.5 REASSESSING FOR PROMOTION

Candidates that do not pass the assessment or are not promoted from the eligibility list are permitted to reapply and reassess for promotion the next time a promotional examination is conducted.

#### 1026.5.6 SECURITY OF PROMOTIONAL PROCESS MATERIALS

The oversight and security of promotional process materials are the responsibility of the Port Human Resources Department.

## Temporary Modified-Duty Assignments

### 1027.1 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, Port 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.

### 1027.2 DEFINITIONS

**Modified duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1027.3 LIMITATIONS

Modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous re-assessment dependent upon department need and the employee's ability to perform in a modified duty capacity.

An injured employee may be offered a modified duty position outside of his/her normal assignment or duties if it becomes available, but the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or disability accounts as applicable. If an injured worker refuses to participate in available light duty, they are NOT entitled to worker's compensation benefits.

- (a) If an employee cannot adequately perform in a modified duty assignment, such assignment may be modified or terminated.
- (b) The lack of department need or a change in priorities may result in the employee's removal from or modification of a modified duty assignment.
- (c) The department may place conditions as deemed appropriate upon any modified duty assignment.

#### 1027.3.1 FIREARMS / UNIFORM RESTRICTIONS

Officers on light / modified duty assignments are authorized to carry a department-approved firearm if:

- (a) The officer's physician does not place any physical restrictions on the officer that would preclude him / her from safely carrying and utilizing a firearm.
- (b) The officer's medical condition does not preclude the officer from safely carrying a firearm and being able to complete our department's qualification course.



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- (c) As needed, the department's Office of Professional Development supervisor or designee, after evaluating the officer's firearm handling abilities, concludes that the officer can safely carry and utilize a firearm.

Officers assigned to modified duty who opt to carry a department-approved firearm shall carry it concealed from view while in any public setting. Officers assigned to limited duty shall not wear any clothing or any other items in public view that would identify them as a police officer.

Officers assigned to modified duty who opt to carry a department-approved firearm shall resist taking any enforcement actions that could cause injury to themselves or others unless faced with a situation where the officer or others are in jeopardy which could imminently result in death or serious bodily injury.

The restrictions noted in this section apply to all officers assigned to modified duty whether they are on- or off-duty.

#### **1027.4 PROCEDURE**

Requests for a modified duty assignment of a workweek (e.g., 37.5 hours, 40 hours, etc.) or less may be approved and facilitated by the employee's division commander. Assignments of longer duration are subject to the approval of the Chief of Police or their designee following the below procedure:

- (a) Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their bureau deputy chief or assigned commander. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.
- (b) The bureau deputy chief, assigned commander or the Professional Standards and Development Division Commander will determine what modified duty assignments may be available based on the needs of the department, limitations of the employee and suitability of the employee to work a particular assignment.

##### **1027.4.1 MODIFIED DUTY SCHEDULES**

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the division commander for which the employee is assigned to during their modified duty schedule.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

##### **1027.4.2 ACCOUNTABILITY**

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. There is no coverage under worker's compensation

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to compensate an injured worker for time they miss to attend doctor appointments, physical therapy, etc. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 60 days while the employee is on modified duty.
- (c) Supervisors shall keep the division commander apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the division commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the division commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **1027.4.3 MEDICAL EXAMINATIONS**

The department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

#### **1027.5 PREGNANCY**

It is the policy of the department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

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.).

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#### **1027.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

#### **1027.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the applicable bureau deputy chief or the Professional Standards and Development Division Commander, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the Port of Seattle Personnel Rules and Regulations regarding family and medical care leave.

#### **1027.6 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

#### **1027.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

## Vacation Black-Out Periods

### **1028.1 PURPOSE AND SCOPE**

The department, in anticipation of heavy travel loads and increased law enforcement and security needs, has identified specific periods during which officers are prohibited from taking additional leave days except for pre-approved bid vacations. The dates are included in the applicable Collective Bargaining Agreements.

Supervisors shall review all non-bid leave requests to ensure compliance with these dates. Requests to accommodate special needs will be approved on a case-by-case basis by the appropriate Division Commander.

In addition, non-essential training will not be scheduled during the peak summer travel months (Memorial Day-Labor Day). Special requests for training to include individual, team or department-wide training during this period will be reviewed and approved at the Division Commander level.

# Wellness Program

## 1029.1 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 is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

### 1029.1.1 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 peers trained to help members cope with critical incidents and certain personal or professional problems.

**Peer supporter** – A member or retired member of the Port of Seattle 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 Port of Seattle Police Department to provide those same services (RCW 5.60.060).

## 1029.2 POLICY

It is the policy of the Port of Seattle 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.

## 1029.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources and Development, legal counsel, licensed psychotherapist,

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qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
  - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
  - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
  - 1. Peer support member selection and retention.
  - 2. Training and applicable certification requirements.
  - 3. Deployment.
  - 4. Managing potential conflicts between peer support members and those seeking service.
  - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
  - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
  - 1. Defining the types of incidents that may initiate debriefings.
  - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
  - 1. Obtaining a written description of the program services.
  - 2. Providing for the methods to obtain program services.
  - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
  - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.

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### *Wellness Program*

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5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
  1. The coordinator should work with appropriate Department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

#### **1029.4 DEPARTMENT PEER SUPPORT**

##### **1029.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA**

The selection of a department peer support member will be at the discretion of the Chief of Police subsequent recommendation by the wellness coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

##### **1029.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES**

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting 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) Providing referrals to licensed psychotherapists and other resources, where appropriate.
- (d) Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

##### **1029.4.3 PEER SUPPORT MEMBER TRAINING**

A department peer support member should complete department-approved training prior to being assigned.

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### *Wellness Program*

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#### **1029.5 CRITICAL INCIDENT STRESS DEBRIEFINGS**

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because 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 at the debriefing should only include peer support members and/or peer supporters, and those directly involved in the incident.

#### **1029.6 PEER SUPPORT COMMUNICATIONS**

Peer supporters who are called upon to assist Department Members shall maintain a role of procedural advisor, peer support, and confidant.

- (a) (a) • Only those Department personnel officially designated by the Chief of Police as a peer supporter prior to the incident may claim confidentiality in their communications with other department members, and only when acting in a Peer Support capacity (per RCW 5.60.060 [6] [a]);
- (b) • The exceptions to the issue of confidentiality are in the following cases:
  - (a) a) The employee admits to current and continuing physical abuse of a child or domestic partner
  - (b) b) The employee threatens physical harm to themselves or another person
  - (c) c) The employee admits to having committed a crime as defined by law
- (b) Peer supporters involved in the critical incident as primary responders shall not be expected to act as Peer Support for that incident.

#### **1029.7 WELLNESS PROGRAM COORDINATOR**

The Wellness Program Coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for physical fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.



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### *Wellness Program*

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- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

#### **1029.8 TRAINING**

The Wellness Program Coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- 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.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

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## Attachments

## **Washington State Law Enforcement Records Retention Schedule.pdf**

## **Washington State Law Enforcement Records Retention Schedule.pdf**

## **Washington State Law Enforcement Records Retention Schedule-v.8.0-(february-2022).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). <b>All changes are detailed in the Summary of Changes.</b> (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](mailto:recordsmanagement@sos.wa.gov)





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## 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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | RETENTION AND<br>DISPOSITION ACTION                                                                | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2015-005<br><br>Rev. 1                 | <p><b>Background Checks/Tests/Investigations (Non-Criminal)</b></p> <p>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.</p> <p>Includes employment-related investigations of employees, volunteers, contractors, etc.</p> <p>Records include, but are not limited to:</p> <ul style="list-style-type: none"><li>• Criminal History Record Information (CHRI) and/or "No Record Found" results;</li><li>• Fingerprints, analysis, etc.;</li><li>• Third party references, statements, reports (including credit checks, etc.);</li><li>• Polygraph and psychological testing;</li><li>• Related communications (regardless of format).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Concealed Pistol License Applications – Approved/Voided/Revoked (DAN LE17-01-01);</i></li><li>• <i>Concealed Pistol License Applications – Denied (DAN LE17-01-02);</i></li><li>• <i>Employee Work History (DAN GS50-04B-06);</i></li><li>• <i>Personnel – Employment History Files (DAN GS 03042);</i></li><li>• <i>Personnel Records (Peace/Corrections Officers) (DAN LE2022-010);</i></li><li>• <i>Recruitment – Employee (DAN GS 03012);</i></li><li>• <i>Recruitment (DAN GS50-04B-22).</i></li></ul> | <p><b>Retain</b> for 3 years after request fulfilled</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>Rev. 1               | <p><b>Crime Prevention Programs</b></p> <p>Records relating to the operation and management of crime prevention programs, such as:</p> <ul style="list-style-type: none"><li>• Crime Stoppers;</li><li>• Block watch;</li><li>• Business watch;</li><li>• House watch.</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Establishment/Development History of Agency/Programs (DAN GS50-06F-02 / GS 10013);</i></li><li>• <i>Ride-Along Program (DAN LE03-01-38).</i></li></ul>                                                                                                | <p><b>Retain</b> for 1 year after obsolete or superseded<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2013-001<br>Rev. 1               | <p><b>Fingerprint Requests (Public)</b></p> <p>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.</p> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Financial Transactions – General (DAN GS2011-184 / GS 01001);</i></li><li>• <i>Fingerprint Analysis (DAN LE2013-010).</i></li></ul> | <p><b>Retain</b> for 3 years after request fulfilled<br/><i>then</i><br/><b>Destroy.</b></p>     | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                         | RETENTION AND<br>DISPOSITION ACTION                                                                                                                  | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-026<br>Rev. 1                     | <b>Lock-Outs</b><br>Records relating to the provision of assistance to citizens who have locked themselves out of houses or vehicles.<br>Excludes waivers of liability covered by <i>Contracts and Agreements – General (DAN GS50-01-11 / GS 01050)</i> .                                                                                                                      | <b>Retain</b> for 3 years after date of lock-out<br><i>then</i><br><b>Destroy.</b>                                                                   | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE25-01-01<br>Rev. 1                     | <b>Property Registration</b><br>Records relating to personal property registered with the agency for recovery if lost or stolen.                                                                                                                                                                                                                                               | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>                                                           | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE03-01-38<br>Rev. 2                     | <b>Ride-Along Programs</b><br>Records relating to public participation in agency Ride-Along programs.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Parent/legal guardian permissions for individuals under age 18.</li></ul> <i>Note: Retention based on 3-year statute of limitations for personal injury (RCW 4.16.080 and RCW 4.16.190).</i> | <b>Retain</b> for 3 years after participant's ride-along<br><i>and</i><br>3 years after participant reaches age 18<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                       | RETENTION AND<br>DISPOSITION ACTION                                                           | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------|
| LE26-01-02<br>Rev. 2                     | <b>Agency-Owned Animals</b><br>Records relating to horses, dogs, or other animals owned by the agency and retained in accordance with WAC 139-05-915.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Training and canine team certification;</li><li>• Animal acquisition and microchip information;</li><li>• Records showing purpose, use, or assignment of animal.</li></ul> | <b>Retain</b> for 6 years after removal from active service<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE27-01-04<br>Rev. 1                     | <b>Weapons (Agency-Issued)</b><br>Records relating to the issuance, inspection, and maintenance of weapons issued by and/or handled by agency personnel.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Records of issuance, gift, and loss;</li><li>• Records of inspection, maintenance, and certification.</li></ul>                                                         | <b>Retain</b> for 3 years after disposal of weapon<br><i>then</i><br><b>Destroy.</b>          | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                             | RETENTION AND<br>DISPOSITION ACTION                                                             | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------|
| LE06-01-03<br>Rev. 1                     | <b>All Radio Transmissions</b><br>Recordings of radio transmissions between law enforcement and dispatch staff regarding requests for resources, status changes, and/or incident-related activity. | <b>Retain</b> for 90 days after conclusion of dispatch action<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE12-01-01<br>Rev. 1                     | <b>Alarm Call Response</b><br>Reports documenting officer response to alarms and/or the outcome of the agency response.                                                                            | <b>Retain</b> for 30 days after event<br><i>then</i><br><b>Destroy.</b>                         | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE12-01-05<br>Rev. 1                     | <b>Census Tract/Grid Maps</b><br>Maps showing census tracts used for the purposes of compiling law enforcement statistics, trending and analysis.                                                  | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>      | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |



### 3.1 DISPATCH

*The activity of coordinating emergency response in regards to specific emergency situations.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                         | RETENTION AND<br>DISPOSITION ACTION                                                           | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------|
| LE03-01-32<br>Rev. 2                     | <b><i>Dangerous Individuals and Premises</i></b><br>Records documenting specific individuals or premises that present unique hazards to law enforcement personnel, or where needed to expedite law enforcement response, such as: <ul style="list-style-type: none"><li>• Address-specific security systems or hazards to law enforcement;</li><li>• Individuals known to have unique medical needs or to present risk to law enforcement personnel.</li></ul> | <b>Retain</b> until no longer needed<br>for agency business<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2022-007<br>Rev. 0                     | <b><i>GPS/AVL Data – Not Used</i></b><br>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.                                                                                                                                                                                        | <b>Retain</b> until no longer needed<br>for agency business<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |





### 3.1 DISPATCH

*The activity of coordinating emergency response in regards to specific emergency situations.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | RETENTION AND<br>DISPOSITION ACTION                                                                                                                           | DESIGNATION                          |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2013-002<br>Rev. 0                     | <b>Non-Emergency Reports</b><br>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.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Reports of non-emergency incidents received via phone or web-form;</li><li>• Master recordings of non-emergency calls received.</li></ul> Excludes: <ul style="list-style-type: none"><li>• Records covered by <i>911 Conversations – Master Recordings (DAN EM50-29-01)</i> in the <i>Emergency Communications (911) Records Retention Schedule</i>;</li><li>• 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>;</li><li>• Incident reports.</li></ul> | <b>Retain</b> for 90 days after report received<br><i>or</i><br>conclusion of dispatch action,<br><i>whichever is later</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE06-01-07<br>Rev. 1                     | <b>Radio Logs</b><br>Logs documenting incoming and/or outgoing emergency radio communications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Retain</b> for 60 days after date of entry<br><i>then</i><br><b>Destroy.</b>                                                                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE06-01-08<br>Rev. 1                     | <b>Recurrent Callers</b><br>Records relating to individuals who make emergency calls on an unusually frequent basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Retain</b> for 3 years after last activity<br><i>then</i><br><b>Destroy.</b>                                                                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |



### 3.1 DISPATCH

*The activity of coordinating emergency response in regards to specific emergency situations.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                   | RETENTION AND<br>DISPOSITION ACTION                                                  | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-031<br>Rev. 0                     | <b><i>Reverse Automatic Locator Requests</i></b><br>Records relating to requests to phone companies for location information associated with specific phone numbers from which calls have been received. | <b>Retain</b> for 3 years after date<br>of request<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |



## 3.2 INFORMATION DISSEMINATION

*The activity of distributing information among agency personnel, other agencies, or the public.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                | DESIGNATION                                                      |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| LE2010-032<br>Rev. 0                     | <b><i>Criminal History Validations – A Centralized Computer Enforcement System (ACCESS), Washington Crime Information Center (WACIC), and National Crime Information Center (NCIC)</i></b><br>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. | <b>Retain</b> for 3 years after date of validation<br><i>or</i><br>until completion of Washington State Patrol audit, <i>whichever is sooner</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                             |
| LE03-01-18<br>Rev. 1                     | <b><i>Daily Bulletins</i></b><br>Bulletins created on a daily basis to disseminate pertinent information to officers.                                                                                                                                                                                                                                                                                 | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>                                                                                         | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                             |
| LE03-01-47<br>Rev. 1                     | <b><i>Uniform Crime Reporting (UCR)/National Incident-Based Reporting (NIBR)</i></b><br>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.                                                                                            | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Transfer</b> to Washington State Archives for permanent retention.                                   | <b>ARCHIVAL</b><br>(Permanent Retention)<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                                                  | DESIGNATION                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2022-005<br>Rev. 0                     | <p><b><i>Electronic Monitoring and Home Detention Records (Age 18 and Over)</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Court orders;</li><li>• Equipment information files;</li><li>• Infractions and disciplinary records;</li><li>• Notification of installation and removal of electronic monitoring devices;</li><li>• Agreements between individuals and private monitoring entities;</li><li>• Referral, pre-screening, compliance, and consent forms;</li><li>• Reports and schedules.</li></ul> <p>Excludes records covered by <i>Financial Transactions – General (DAN GS2011-184 / GS 01001)</i>.</p> | <p><b>Retain</b> for 6 years after termination of monitoring/detention</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |



#### 4.1 ELECTRONIC / HOME DETENTION MONITORING

*The activities associated with the electronic monitoring and home detention of individuals by law enforcement agencies.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                    | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2022-006<br>Rev. 0                     | <p><b><i>Electronic Monitoring and Home Detention Records (Under Age 18)</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Court orders;</li><li>• Equipment information files;</li><li>• Infractions and disciplinary records;</li><li>• Notification of installation and removal of electronic monitoring devices;</li><li>• Agreements between individuals and private monitoring entities;</li><li>• Referral, pre-screening, compliance, and consent forms;</li><li>• Reports and schedules.</li></ul> <p>Excludes records covered by <i>Financial Transactions – General (DAN GS2011-184 / GS 01001)</i>.</p> | <p><b>Retain</b> for 5 years after subject attains age 18<br/><i>and</i><br/>6 years after termination of monitoring/detention<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                 | RETENTION AND<br>DISPOSITION ACTION                                                                                                                              | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-033<br>Rev. 0                     | <b>Commissary Orders</b><br>Orders submitted by inmates for the purchase of commissary items.                                                                                                                                                                                                                                                          | <b>Retain</b> for 3 years after date of order <i>or</i> until completion of State Auditor's report, <i>whichever is sooner</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE15-01-17<br>Rev. 1                     | <b>Food Services – General</b><br>Records relating to meals and food programs provided to the general inmate population. Includes, but is not limited to, meal counts and menus.<br>Excludes records covered by <i>Food Services – Special Dietary Requirements (DAN LE15-01-09)</i> .                                                                 | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>                                                                       | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE15-01-09<br>Rev. 1                     | <b>Food Services – Special Dietary Requirements</b><br>Records relating to the unique or specific dietary needs of individual inmates and the provision of food/dietary products.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Diet orders;</li><li>• Documentation of food/products provided to individuals.</li></ul> | <b>Retain</b> for 3 years after termination of incarceration<br><i>then</i><br><b>Destroy.</b>                                                                   | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                              | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                            | DESIGNATION                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE15-01-46<br>Rev. 2                     | <b><i>Provision of Items to Inmates</i></b><br>Records documenting the agency's provision of items for inmates at no cost to the inmate, such as: <ul style="list-style-type: none"><li>• Razors;</li><li>• Personal hygiene products;</li><li>• Clothing;</li><li>• Etc.</li></ul> | <b>Retain</b> for 3 years after end of financial year<br><i>or</i><br>until completion of State Auditor's report, <i>whichever is sooner</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>Rev. 2               | <p><b><i>Inmate Health Records (Age 18 and Over)</i></b></p> <p>Records relating to the provision of health-related services or surveillance for adult inmates on an individual basis.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Screening and history information;</li><li>• Information about medical encounters with health care providers;</li><li>• Notes and correspondence related to the patient;</li><li>• Laboratory and test results;</li><li>• Diagnostic images (such as x-rays, MRIs or CAT scans).</li></ul> <p>Excludes records covered by <i>Inmate Custody Files (Age 18 and Over) (DAN LE15-01-40)</i>.</p> | <p><b>Retain</b> for 8 years after provision of health-related services</p> <p><i>then</i></p> <p><b>Destroy.</b></p>                                                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-034<br>Rev. 1               | <p><b><i>Inmate Health Records (Under Age 18)</i></b></p> <p>Records documenting the provision of health-related services or surveillance for juvenile inmates on an individual basis.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Screening and history information;</li><li>• Information about medical encounters with health care providers;</li><li>• Laboratory and test results;</li><li>• Diagnostic images (such as x-rays, MRIs or CAT scans).</li></ul> <p>Excludes records covered by <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038)</i>.</p>                                                               | <p><b>Retain</b> for 8 years after patient attains age 18</p> <p><i>and</i></p> <p>8 years after provision of health-related services</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |





#### 4.4 INMATE MOVEMENT

*The activity of authorizing and documenting the movement of inmates into, within or out of the corrections facility.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                                                                              | DESIGNATION                                                                                    |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| LE15-01-15<br>Rev. 1                     | <b>Activity Logs (Floor/Block/Unit)</b><br>Logs documenting inmate activity and/or movement on each floor, block, or unit.<br>Includes, but is not limited to logs documenting: <ul style="list-style-type: none"><li>• Departure to/return from classes or programs;</li><li>• Phone use.</li></ul>                                                              | <b>Retain</b> for 6 years after date of log entry<br><i>then</i><br><b>Destroy.</b>                                                              | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                                                           |
| LE22-01-03<br>Rev. 2                     | <b>Extraditions</b><br>Records relating to agency planning and coordination of inmate extraditions to out-of-state detention facilities.<br>Excludes records covered by: <ul style="list-style-type: none"><li>• <i>Inmate Custody Files (Age 18 and Over) (DAN LE15-01-40);</i></li><li>• <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038).</i></li></ul> | <b>Retain</b> for 6 years after extradition fulfilled, cancelled, or expired<br><i>then</i><br><b>Destroy.</b>                                   | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                                                           |
| LE15-01-30<br>Rev. 2                     | <b>Facility Registers</b><br>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.<br>Excludes summary records of juvenile holding or detention covered by <i>Detention Log (DAN SS50-28-04)</i> .           | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Transfer</b> to Washington State Archives for permanent retention. | <b>ARCHIVAL</b><br>(Permanent Retention)<br><b>ESSENTIAL</b><br>(for Disaster Recovery)<br>OPR |
| LE2010-035<br>Rev. 0                     | <b>Local Jail Reports</b><br>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.                                                                                                            | <b>Retain</b> for 6 years after date of report<br><i>then</i><br><b>Destroy.</b>                                                                 | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                                                           |



#### 4.4 INMATE MOVEMENT

*The activity of authorizing and documenting the movement of inmates into, within or out of the corrections facility.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                              | RETENTION AND<br>DISPOSITION ACTION                                                                | DESIGNATION                          |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------|
| LE15-01-47<br>Rev. 2                     | <b>Release Recaps</b><br>Chronological listings of all inmates released from incarceration the previous day.<br>Excludes records covered by <i>Local Jail Reports (DAN LE2010-035)</i> .                                                            | <b>Retain</b> for the life of the agency.                                                          | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2010-036<br>Rev. 0                     | <b>Sex/Kidnapping Offender Registration Acknowledgements</b><br>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. | <b>Retain</b> for 6 years after date of signature<br><i>then</i><br><b>Destroy.</b>                | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-037<br>Rev. 0                     | <b>Transfer of Custody</b><br>Records relating to agency planning and coordination of transportation for inmates into another agency's custody.                                                                                                     | <b>Retain</b> for 3 years after transport fulfilled or cancelled<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                            | DESIGNATION                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-045<br>Rev. 0                     | <b>Earnings Disposition</b><br>Records relating to payroll deductions and disbursements of inmate earnings in accordance with RCW 72.65.050.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Retain</b> for 6 years after termination of incarceration<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE15-01-40<br>Rev. 1                     | <b>Inmate Custody Files (Age 18 and Over)</b><br>Records documenting the custody of inmates age 18 and over.<br>Includes, but is not limited to, documentation relating to: <ul style="list-style-type: none"><li>• Admittance, booking, and transfer;</li><li>• Background data and history;</li><li>• Classification (change requests, reviews, hearings, etc.);</li><li>• Involvement in inmate programming;</li><li>• Infractions and disciplinary hearings;</li><li>• Release and community corrections (probation, parole, etc.);</li><li>• Legal (court records, extradition authorization, victim notification forms, etc.).</li></ul> Excludes records covered by <i>Extraditions (DAN LE22-01-03)</i> . | <b>Retain</b> for 6 years after termination of incarceration<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                     | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-038<br>Rev. 0                     | <p><b><i>Inmate Custody Files (Under Age 18)</i></b></p> <p>Records documenting the custody of inmates under age 18.</p> <p>Includes, but is not limited to, documentation relating to:</p> <ul style="list-style-type: none"><li>• Admittance, booking, and transfer;</li><li>• Background data and history;</li><li>• Classification;</li><li>• Involvement in inmate programming;</li><li>• Infractions and disciplinary hearings;</li><li>• Release and community corrections (probation, parole, etc.);</li><li>• Legal (court records, extradition authorization, victim notification forms, etc.).</li></ul> <p>Excludes records covered by <i>Extraditions (DAN LE22-01-03)</i>.</p> | <p><b>Retain</b> for 5 years after<br/>subject attains age 18<br/><i>and</i><br/>6 years after termination of<br/>incarceration<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RETENTION AND<br>DISPOSITION ACTION                                                                                                             | DESIGNATION                                                                |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| LE2010-086<br>Rev. 2                     | <p><b><i>Inmate Custody Files – Notorious/Historically Significant Inmates</i></b></p> <p>Records documenting the custody of inmates who have gained contemporary public notoriety or significance, such as inmates who have:</p> <ul style="list-style-type: none"><li>• Received significant media coverage;</li><li>• Caused the agency to change policies/procedures or use new methods/technology;</li><li>• Been frequently cited in scholarly/professional literature or subject of well-known books/films;</li><li>• Otherwise been generally viewed by the community as important/significant, etc.</li></ul> <p>Includes, but is not limited to, documentation relating to:</p> <ul style="list-style-type: none"><li>• Admittance, booking, and transfer;</li><li>• Background data and history;</li><li>• Classification (change requests, reviews, hearings, etc.);</li><li>• Involvement in inmate programming;</li><li>• Infractions and disciplinary hearings;</li><li>• Release and community corrections (probation, parole, etc.);</li><li>• Legal (court records, extradition authorization, victim notification forms, etc.).</li></ul> <p>Excludes records covered by <i>Extraditions</i> (DAN LE22-01-03).</p> | <p>Retain for 6 years after termination of incarceration<br/><i>then</i><br/>Transfer to Washington State Archives for permanent retention.</p> | <p><b>ARCHIVAL</b><br/>(Permanent Retention)<br/>NON-ESSENTIAL<br/>OPR</p> |
| LE14-01-29<br>Rev. 2                     | <p><b><i>Inmate Surveillance Logs</i></b></p> <p>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.</p> <p>Excludes records covered by <i>Mail and Property Surveillance</i> (DAN LE15-01-56).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Retain for 3 years after date of final entry<br/><i>then</i><br/>Destroy.</p>                                                                | <p>NON-ARCHIVAL<br/>NON-ESSENTIAL<br/>OFM</p>                              |



## 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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                      | RETENTION AND<br>DISPOSITION ACTION                                                                                                                           | DESIGNATION                                                            |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| LE15-01-56<br>Rev. 1                     | <b><i>Mail and Property Surveillance</i></b><br>Records relating to the inspection and review of mail and other materials sent to inmates by outside parties.                                                                                                                                               | <b>Retain</b> for 3 years after conclusion of review<br><i>then</i><br><b>Destroy.</b>                                                                        | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                                   |
| LE15-01-39<br>Rev. 1                     | <b><i>Population Counts (Inmate)</i></b><br>Records documenting inmate population demographics, counts, or assignments.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Bed and housing assignments;</li><li>• Population census and reports;</li><li>• Tank rosters.</li></ul> | <b>Retain</b> for 3 years after date of report or entry<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br><b>(Appraisal Required)</b><br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                                                                                                                            | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2015-003<br>Rev. 1                     | <p><b><i>Prison Rape Elimination Act (PREA) – Allegation, Investigation, Incident Review</i></b></p> <p>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>.</p> <p>Also includes records relating to sexual abuse incident reviews conducted pursuant to 28 CFR § 115.86, § 115.186, § 115.286, and § 115.386.</p> <p>Excludes:</p> <ul style="list-style-type: none"><li>Records covered by <i>Case Files – Sex Offenders and Sexually Violent Offenses (DAN LE2010-063)</i>;</li><li>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>.</li></ul> <p><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></p> | <p>Retain for 6 years after inmate no longer incarcerated <u>and</u> <u>If minor involved in incident</u>, until minor's 30<sup>th</sup> birthdate <u>and</u> <u>If agency employee involved in incident</u>, 10 years after separation from employment <u>then</u></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | RETENTION AND<br>DISPOSITION ACTION                                              | DESIGNATION                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------|
| LE2015-004<br>Rev. 1                     | <p><b>Prison Rape Elimination Act (PREA) – Incident-Based Sexual Abuse Data</b></p> <p>Accurate, uniform <b>data collected and aggregated</b> 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.</p> <p>Excludes:</p> <ul style="list-style-type: none"><li>Records covered by <i>Prison Rape Elimination Act (PREA) - Allegations, Investigations, Incident Review (DAN LE2015-003)</i>;</li><li>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>.</li></ul> <p><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></p> | <p>Retain for 10 years after data collected<br/>then<br/><b>Destroy.</b></p>     | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-042<br>Rev. 3                     | <p><b>Recordings – Inmate Conversations (Case-Specific)</b></p> <p>Recordings of inmate conversations (such as phone calls, video calls, etc.) where the recorded conversation is related to litigation or a criminal proceeding.</p> <p>Excludes records covered by <i>Investigational Conversation Recordings (DAN LE06-01-04)</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Retain until exhaustion of appeals process<br/>then<br/><b>Destroy.</b></p>   | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-043<br>Rev. 3                     | <p><b>Recordings – Inmate Conversations (Not Case-Specific)</b></p> <p>Recordings of inmate conversations (such as phone calls, video calls, etc.) where the recorded conversation is <i>not</i> related to litigation or a criminal proceeding.</p> <p>Excludes records covered by <i>Investigational Conversation Recordings (DAN LE06-01-04)</i>.</p> <p><i>Note: Retention based on 1-year requirement for recorded conversations (RCW 9.73.095(3)(c)).</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Retain for 1 year after date of conversation<br/>then<br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                 | DESIGNATION                          |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------|
| LE15-01-63<br>Rev. 1                     | <b>Recordings, Security – Incident Identified</b><br>Recordings, created as security measures, which <u>do</u> contain an incident identified by an inmate, agency personnel, or pending public disclosure request.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Inmate surveillance;</li><li>• Booking and arrest area security recordings.</li></ul>         | <b>Retain</b> until exhaustion of appeals process<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE15-01-64<br>Rev. 1                     | <b>Recordings, Security – Incident Not Identified</b><br>Recordings, created as security measures, which <u>do not</u> contain an incident identified by an inmate, agency personnel, or pending public disclosure request.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Inmate surveillance;</li><li>• Booking and arrest area security recordings.</li></ul> | <b>Retain</b> for 60 days after date of recording<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE15-01-26<br>Rev. 1                     | <b>Requests (Inmate)</b><br>Records relating to inmate requests for items or services.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Medical or pharmacy services;</li><li>• Commissary services;</li><li>• Access to service programs (including applications for admission into community corrections programs).</li></ul>                                    | <b>Retain</b> for 3 years after date of request<br><i>then</i><br><b>Destroy.</b>   | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                     | RETENTION AND<br>DISPOSITION ACTION                                                                          | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-044<br>Rev. 1                     | <b>Trustee Files</b><br>Records relating to inmates selected for trustee status and their involvement as trustees.<br>Excludes trustee records that are part of an inmate custody file covered by: <ul style="list-style-type: none"><li>• <i>Inmate Custody Files (Age 18 or Over) (DAN LE15-01-40);</i></li><li>• <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038).</i></li></ul> | <b>Retain</b> for 1 year after revocation or termination of trustee status<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE15-01-62<br>Rev. 1                     | <b>Trustee Rosters</b><br>Rosters of inmates selected to be trustees.                                                                                                                                                                                                                                                                                                                      | <b>Retain</b> for 1 year after last entry<br><i>then</i><br><b>Destroy.</b>                                  | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE15-01-59<br>Rev. 1                     | <b>Warrant Holds</b><br>Records relating to notifications received from other law enforcement agencies regarding offenders who are wanted and should be held if apprehended.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Hold warrants;</li><li>• Documentation relating to transfer of offender.</li></ul>                                                | <b>Retain</b> for 6 years after cancelled or inmate transferred<br><i>then</i><br><b>Destroy.</b>            | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE15-01-67<br>Rev. 2                     | <b>Work Crews</b><br>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.                                                                                                         | <b>Retain</b> for 6 years after conclusion of work activity<br><i>then</i><br><b>Destroy.</b>                | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                                                                                     | DESIGNATION                                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE2010-046<br>Rev. 0                     | <b><i>Mission Files – Search and Rescue</i></b><br>Records relating to the planning and/or implementation of search and rescue missions in accordance with chapter 38.52 RCW. | <b>Retain</b> for 6 years after mission concluded<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                        | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-048<br>Rev. 1                     | <b><i>Alcohol, Tobacco and Firearms (ATF) Forms – Action Taken</i></b><br>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.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• ATF Form 4 – Application for Tax Paid Transfer and Registration of Firearm;</li><li>• ATF Form 7CR – Application for Federal Firearms License (Collector of Curios and Relics);</li><li>• ATF Form 1 – Application to Make and Register a Firearm.</li></ul> | <b>Retain</b> for 3 years after date form completed<br><i>then</i><br><b>Destroy.</b>      | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2022-002<br>Rev. 0                     | <b><i>Alcohol, Tobacco and Firearms (ATF) Forms – No Action Taken</i></b><br>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.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• ATF Form 4 – Application for Tax Paid Transfer and Registration of Firearm;</li><li>• ATF Form 7CR – Application for Federal Firearms License (Collector of Curios and Relics);</li><li>• ATF Form 1 – Application to Make and Register a Firearm.</li></ul>                                                                    | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | RETENTION AND<br>DISPOSITION ACTION                                                                                                  | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2013-003<br>Rev. 0                     | <p><b><i>Alien Firearm Licenses</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Copies of approval/denial notifications sent to Department of Licensing;</li><li>• Copies of licenses issued;</li><li>• Background investigation materials;</li><li>• Voided licenses.</li></ul> <p><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></p> | <p><b>Retain</b> for 6 years after expired, voided, or denied, whichever occurs sooner</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | RETENTION AND<br>DISPOSITION ACTION                                                            | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------|
| LE17-01-01<br>Rev. 3                     | <p><b><i>Concealed Pistol License Applications – Approved/Voided/Revoked</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Copies of approval/denial/revocation notifications sent to Department of Licensing;</li><li>• Copies of licenses issued;</li><li>• Background investigation materials;</li><li>• Voided licenses.</li></ul> <p><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></p> | <p>Retain for 6 years after expired, voided or revoked<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE17-01-02<br>Rev. 3                     | <p><b><i>Concealed Pistol License Applications – Denied</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Copies of approval/denial notifications sent to Department of Licensing;</li><li>• Background investigation materials.</li></ul> <p><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></p>                                                                                                                                                                                                    | <p>Retain for 2 years after date of denial<br/><i>then</i><br/><b>Destroy.</b></p>             | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RETENTION AND<br>DISPOSITION ACTION                                                                    | DESIGNATION                          |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE17-01-06<br>Rev. 1                     | <b>Firearm Dealer Licenses</b><br>Records relating to the licensing of firearms dealers in accordance with chapter 9.41 RCW.<br><i>Note: Department of Licensing retains firearm dealer licenses for 6 years in accordance with the state Department of Licensing records retention schedule.</i>                                                                                                                                                                                                                                                                     | <b>Retain</b> for 1 year after expiration of license<br><i>then</i><br><b>Destroy.</b>                 | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-049<br>Rev. 1                     | <b>Firearm Purchase/Transfer Requests – Eligible</b><br>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.<br>Excludes records covered by <i>Firearm Purchase/Transfer Requests – Ineligible (DAN LE17-01-03)</i> .<br><i>Note: Department of Licensing retains purchase/transfer requests for 6 years in accordance with the state Department of Licensing records retention schedule.</i>   | <b>Retain</b> no later than 20 days after request received<br><i>then</i><br><b>Destroy.</b>           | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE17-01-03<br>Rev. 2                     | <b>Firearm Purchase/Transfer Requests – Ineligible</b><br>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.<br>Excludes records covered by <i>Firearm Purchase/Transfer Requests – Eligible (DAN LE2010-049)</i> .<br><i>Note: Department of Licensing retains purchase/transfer requests for 6 years in accordance with the state Department of Licensing records retention schedule.</i> | <b>Retain</b> for at least 20 days after receipt of transfer request<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                            | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE17-01-10<br>Rev. 1                     | <b><i>Pawnbroker/Secondhand Dealer Slip Files/Daily Reports</i></b><br>Records relating to daily slips received from pawnbrokers/secondhand dealers regarding their sales transactions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Retain</b> for 1 year after date of receipt<br><i>then</i><br><b>Destroy.</b>                                                                                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE17-01-11<br>Rev. 1                     | <b><i>Pawnbroker/Secondhand Dealer Inspections</i></b><br>Records relating to the inspection of pawnbroker/secondhand dealers to determine compliance with rules and regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Retain</b> for 3 years after date of inspection<br><i>then</i><br><b>Destroy.</b>                                                                                           | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2013-004<br>Rev. 1                     | <b><i>Solicitor Licenses</i></b><br>Records relating to applications for licenses to solicit/hawk/peddle within the agency's jurisdiction in accordance with chapter 36.71 RCW.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Applications received (including those denied);</li><li>• Reference check forms and notes;</li><li>• Fingerprint materials;</li><li>• Background check notes or printouts;</li><li>• Copies or originals of licenses provided (if approved);</li><li>• Correspondence relating to the application.</li></ul> Excludes records covered by <i>Financial Transactions – General (DAN GS2011-184 / GS 01001)</i> . | <b>Retain</b> for 6 years after expiration/final renewal of license<br><i>or</i><br>6 years after denial of license,<br><i>if applicable</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                                        | DESIGNATION                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE07-01-12<br>Rev. 2                     | <p><b><i>Court Orders/Warrants/Writs – Not Acted Upon</i></b></p> <p>Orders issued by a court and filed with the law enforcement agency where the agency has taken no subsequent action.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Anti-harassment, no contact, protection, restrictive area, Stay Out of Drug Areas/Stay Out of Areas of Prostitution (SODA/SOAP) orders;</li><li>• 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).</li></ul> <p>Excludes records covered by <i>Compulsory Process Served on the Agency (Not Party to Litigation)</i> (DAN GS2011-172 / GS 18006).</p> | <p><b>Retain</b> until expired, vacated, terminated, or superseded<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                             | DESIGNATION                          |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------|
| LE05-01-04<br>Rev. 2                     | <p><b><i>Court Orders/Warrants/Writs – Acted Upon</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Domestic violence information sheets;</li><li>• Service slips and logs (including face sheets and day tickets);</li><li>• Returns of service;</li><li>• 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).</li></ul> <p>Excludes summonses that become part of a case file.</p> | <p><b>Retain</b> for 6 years after last entry or action<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE07-01-08<br>Rev. 1                     | <p><b><i>Dockets/Process Logs</i></b></p> <p>Logs, dockets, or lists of civil and criminal processes received by the agency.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Retain</b> for 3 years after date of entry<br/><i>then</i><br/><b>Destroy.</b></p>        | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                                                      | DESIGNATION                          |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE05-01-07<br>Rev. 1                     | <b><i>Executions Against Personal Property</i></b><br>Records relating to court-ordered property seizures resulting from judgments against individuals or entities in accordance with chapter 6.17 RCW.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Civil worksheets;</li><li>• Writs and granting orders;</li><li>• Continuation reports;</li><li>• Descriptions of property involved.</li></ul> | <b>Retain</b> for 6 years after date of seizure or stay<br><i>then</i><br><b>Destroy.</b>                                                                                                                                | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE20-01-03<br>Rev. 2                     | <b><i>Sex/Kidnapping Offender Registration, Monitoring and Contacts</i></b><br>Records documenting the registration and/or monitoring of sex and kidnapping offenders in the agency's jurisdiction, and/or any associated contacts with offenders.<br>Includes, but is not limited to, records relating to sex/kidnapping offender community notifications.                                                                       | <b>Retain</b> for 6 years after offender leaves the agency's jurisdiction<br><i>or</i><br>6 years after termination of offender's registration requirement, <i>whichever is sooner</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | RETENTION AND<br>DISPOSITION ACTION                                                                       | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2013-006<br><br>Rev. 0                 | <p><b>Evidence Audits</b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Correspondence relating to evidence audits;</li><li>• Notes, logs, or other documentation created by the auditor relating to the inspection/audit;</li><li>• Audit reports/results/findings.</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>External Audits/Reviews of Agency – Final Reports (DAN GS 04006);</i></li><li>• <i>Fiscal and Performance Audit Reports (DAN GS50-03F-02);</i></li><li>• <i>State Auditor's Examination Report (DAN GS50-03A-26);</i></li><li>• Audits performed by the Washington Association of Sheriffs and Police Chiefs (WASPC).</li></ul> | <p><b>Retain</b> for 4 years after completion of auditor's report<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RETENTION AND<br>DISPOSITION ACTION                                                             | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-058<br>Rev. 1                     | <p><b>Property Forfeited</b></p> <p>Records relating to personal and/or real property forfeited to the agency in accordance with RCW 69.50.505.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Documentation of auction and/or proceeds realized from disposition;</li><li>• Property retained for agency use;</li><li>• Forfeiture hearing tapes.</li></ul> <p>Excludes records relating to property retained for law enforcement use in accordance with chapters 63.32, 63.40, and 63.42 RCW.</p> <p><i>Note: Retention based on 7-year requirement for records relating to forfeited property (RCW 69.50.505(8)(b)).</i></p> | <p><b>Retain</b> for 7 years after disposal of property<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE03-01-08<br>Rev. 3                     | <p><b>Property Seizure/Disposition</b></p> <p>Records relating to the seizure or disposition of non-agency property to satisfy a court judgment or order.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Auction reports;</li><li>• Bills, certificates, and notices of sale;</li><li>• Copies of deeds.</li></ul>                                                                                                                                                                                                                                                                                                              | <p><b>Retain</b> for 6 years after disposal of property<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                          | RETENTION AND<br>DISPOSITION ACTION                                                                               | DESIGNATION                          |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-052<br>Rev. 0                     | <b>Automated Traffic Safety Cameras – Citation or Notice of Infraction Issued</b><br>Images captured by automated traffic safety cameras which <u>have</u> resulted in the issuance of a citation or notice of infraction.                                      | <b>Retain</b> until exhaustion of appeals process<br><i>then</i><br><b>Destroy.</b>                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-053<br>Rev. 0                     | <b>Automated Traffic Safety Cameras – Citation or Notice of Infraction Not Issued</b><br>Images captured by automated traffic safety cameras which <u>have not</u> resulted in the issuance of a citation or notice of infraction.                              | <b>Retain</b> until verification that no infraction has been captured<br><i>then</i><br><b>Destroy.</b>           | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-054<br>Rev. 0                     | <b>Automatic License Plate Recognition Images – Case-Specific</b><br>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.         | <b>Retain</b> until exhaustion of appeals process<br><i>then</i><br><b>Destroy.</b>                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-055<br>Rev. 0                     | <b>Automatic License Plate Recognition Images – Not Case-Specific</b><br>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. | <b>Retain</b> until verification that a significant image has not been captured<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | RETENTION AND<br>DISPOSITION ACTION                                                         | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-095<br>Rev. 2                     | <p><b><i>Citations/Notices of Infraction Issued – Driving Under the Influence</i></b></p> <p>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.</p> <p>Excludes:</p> <ul style="list-style-type: none"><li>• Citations/Notices of Infraction generated using Washington State Patrol’s Statewide Electronic Collision and Ticket Online Records (SECTOR) transmitted to Washington State Patrol;</li><li>• Records covered by <i>Citations/Notices of Infraction Issued – All Others (DAN LE07-01-06)</i>.</li></ul> <p><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></p> | <p>Retain for 10 years after date of issuance</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                           | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE07-01-06<br>Rev. 3                     | <p><b><i>Citations/Notices of Infraction Issued – All Others</i></b></p> <p>Records relating to criminal or non-criminal citations issued to alleged violators (such as traffic and non-traffic citations).</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Originals and/or duplicates of issued citations;</li><li>• Documentation of disposition of the charge when applicable.</li></ul> <p>Excludes:</p> <ul style="list-style-type: none"><li>• Citations/Notices of Infraction generated using Washington State Patrol's Statewide Electronic Collision and Ticket Online Records (SECTOR) transmitted to Washington State Patrol;</li><li>• Records covered by <i>Citations/Notices of Infraction Issued – Driving Under the Influence (DAN LE2010-095)</i>.</li></ul> | <p><b>Retain</b> for 3 years after date of issuance<br/><i>or</i><br/>until completion of State Auditor's report, whichever is sooner<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE03-01-12<br>Rev. 1                     | <p><b><i>Citations/Notices of Infraction – Issued to Officer</i></b></p> <p>Records documenting the issuance of blank, pre-numbered citations/notices of infraction to officers in accordance with RCW 46.64.010.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Voided citations/tickets;</li><li>• Receipts for books and/or devices issued.</li></ul> <p>Excludes unissued/blank citation forms covered by <i>Forms – Accountable (DAN GS2010-011 / GS 12004)</i>.</p>                                                                                                                                                                                                                                                                                                     | <p><b>Retain</b> for 3 years after date of issuance<br/><i>or</i><br/>until completion of State Auditor's report, whichever is sooner<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                    | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                      | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE12-01-13<br>Rev. 1                     | <b><i>Collision Reports</i></b><br>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.                                                                                                                                                                          | <b>Retain</b> until submitted to Washington State Patrol<br><i>then</i><br><b>Destroy.</b>                                                                               | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE21-01-04<br>Rev. 1                     | <b><i>Impound Logs</i></b><br>Logs documenting impounds reported to the agency by registered tow truck operators.                                                                                                                                                                                                                                                                                                         | <b>Retain</b> for 3 years after date of log entry<br><i>then</i><br><b>Destroy.</b>                                                                                      | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE21-01-02<br>Rev. 1                     | <b><i>Impounds/Abandoned Vehicles</i></b><br>Records relating to vehicles impounded by the agency.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Impound/abatement records;</li><li>• Tow-away notices;</li><li>• Requests for information;</li><li>• Notices to owner(s) and/or lien holder(s);</li><li>• Affidavits;</li><li>• Transfers of ownership;</li><li>• Bills of sale.</li></ul> | <b>Retain</b> for 3 years after disposition of vehicle<br><i>or</i><br>until completion of State Auditor's report, whichever is sooner<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RETENTION AND<br>DISPOSITION ACTION                                                                                                        | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-057<br>Rev. 0                     | <b><i>Suspension/Trespass/Expulsion Notices</i></b><br>Records relating to notices issued to suspend the rights of an individual or to prohibit their presence in a specific place or location.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Transit suspensions;</li><li>• Trespass notices;</li><li>• Expulsion notices.</li></ul>                                                                                                                                            | <b>Retain</b> for 1 year after cancelled or expired<br><i>and</i><br>until exhaustion of appeals process<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2013-005<br>Rev. 0                     | <b><i>Vessel Inspections</i></b><br>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.<br>Excludes records covered by: <ul style="list-style-type: none"><li>• <i>Citations/Notices of Infraction Issued – Driving Under the Influence (DAN LE2010-095);</i></li><li>• <i>Citations/Notices of Infraction Issued – All Others (DAN LE07-01-06).</i></li></ul> | <b>Retain</b> for 6 years after date of inspection<br><i>then</i><br><b>Destroy.</b>                                                       | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                                        | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2022-003<br>Rev. 0                     | <p><b><i>Complaints, Grievances, and Misconduct Records (Peace/Corrections Officers)</i></b></p> <p>Records relating to complaints, grievances, misconduct, etc. (including their related internal reviews/investigations) involving peace officers or corrections officers.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Misconduct and equal employment opportunity complaints, whether founded or unfounded;</li><li>• Progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records;</li><li>• 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).</li></ul> <p>Excludes:</p> <ul style="list-style-type: none"><li>• Complaints, grievances, and misconduct records for corrections officers employed by state agencies;</li><li>• Records covered by <i>Prison Rape Elimination Act (PREA) - Allegations, Investigations, Incident Review (DAN LE2015-003)</i>.</li></ul> <p><i>Note: Retention based on 10-year requirement for peace and corrections officers' personnel records (RCW 40.14.070(4)).</i></p> | <p><b>Retain</b> for 10 years after date of separation from agency<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | RETENTION AND<br>DISPOSITION ACTION                                                                        | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2022-010<br>Rev. 0                     | <p><b><i>Personnel Records (Peace/Corrections Officers)</i></b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>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;</li><li>Oaths of office;</li><li>Off-duty authorizations/commissions;</li><li>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).</li></ul> <p>Excludes:</p> <ul style="list-style-type: none"><li>Personnel records for corrections officers employed by state agencies;</li><li>Records covered by <i>Complaints, Grievances, and Misconduct Records (Peace/Corrections Officers) (DAN 2022-003)</i>;</li><li>Records covered by <i>Employee Retirement/Pension Verifications (DAN GS2017-009) / Retirement Verification (DAN GS 03032)</i>.</li></ul> <p><i>Note: Retention based on 10-year requirement for peace and corrections officers' personnel records (RCW 40.14.070(4)).</i></p> | <p><b>Retain</b> for 10 years after date of separation from agency<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                      | RETENTION AND<br>DISPOSITION ACTION                                    | DESIGNATION                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------|
| LE03-01-39<br>Rev. 1                     | <b><i>Roll Call Files</i></b><br>Records relating to officer attendance at agency meetings, briefings, inspections, and other agency activities and events. | <b>Retain</b> for 1 year after event<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                                                                 | DESIGNATION                                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE12-01-03<br>Rev. 1                     | <b>Case Assignment Control</b><br>Logs documenting the assignment of criminal cases to detectives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Retain</b> until no longer needed<br>for agency business<br><i>then</i><br><b>Destroy.</b>                                                                                                                                       | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                            |
| LE2010-062<br>Rev. 2                     | <b>Case Files – Homicides (Solved)</b><br>Case reports and files assembled by law enforcement in the course of investigating homicides that have been solved.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>Bond and bail information;</li><li>Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.).</li></ul> Excludes records covered by: <ul style="list-style-type: none"><li><i>Criminal History Record Information (DAN LE07-01-05);</i></li><li><i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i></li></ul> | <b>Retain</b> for 20 years after<br>conclusion of investigation<br><i>and</i><br>until exhaustion of appeals<br>process<br><i>then</i><br><b>Transfer</b> to Washington State<br>Archives for appraisal and<br>selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                                  | DESIGNATION                                                                                               |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| LE2010-061<br>Rev. 2                     | <p><b>Case Files – Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies</b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Bond and bail information;</li><li>• Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Criminal History Record Information (DAN LE07-01-05);</i></li><li>• <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i></li></ul> | <p>Retain for 75 years after case opened<br/><i>and</i><br/>until no longer needed for agency business<br/><i>then</i><br/><b>Transfer</b> to Washington State Archives for permanent retention.</p> | <p><b>ARCHIVAL</b><br/>(Permanent Retention)<br/><b>ESSENTIAL</b><br/>(for Disaster Recovery)<br/>OPR</p> |





## 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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                                                                            | DESIGNATION                          |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-063<br>Rev. 3                     | <p><b>Case Files – Sex Offenders and Sexually Violent Offenses</b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Bond and bail information;</li><li>• Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Criminal History Record Information (DAN LE07-01-05);</i></li><li>• <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i></li></ul> <p><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></p> | <p><b>Retain</b> for 5 years after conclusion of investigation<br/><i>and</i><br/>until exhaustion of appeals process<br/><i>then</i><br/><b>Transfer</b> to Washington Association of Sheriffs and Police Chiefs for permanent retention.</p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RETENTION AND<br>DISPOSITION ACTION                                                                                                                             | DESIGNATION                                                                |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| LE2010-060<br>Rev. 3                     | <p><b>Case Files – Other Cases (Notorious/Historically Significant)</b></p> <p>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:</p> <ul style="list-style-type: none"><li>• Received significant media coverage;</li><li>• Caused the agency to change policies/procedures or use new methods/technology;</li><li>• Been frequently cited in scholarly/professional literature or subject of well-known books/films;</li><li>• Otherwise been generally viewed by the community as important/significant, etc.</li></ul> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Bond and bail information;</li><li>• Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Case Files – Homicides (Solved) (DAN LE2010-062);</i></li><li>• <i>Case Files – Homicides (Unsolved), Missing Persons (Not Found), and Unidentified Bodies (DAN LE2010-061);</i></li><li>• <i>Case Files – Sex Offenders and Sexually Violent Offenses (DAN LE2010-063);</i></li><li>• <i>Criminal History Record Information (DAN LE07-01-05);</i></li><li>• <i>Criminal History Records Information – Non-Conviction Data (DAN LE2013-007).</i></li></ul> | <p><b>Retain</b> until no longer needed for agency business</p> <p><i>then</i></p> <p><b>Transfer</b> to Washington State Archives for permanent retention.</p> | <p><b>ARCHIVAL</b><br/>(Permanent Retention)<br/>NON-ESSENTIAL<br/>OPR</p> |



## 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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | RETENTION AND<br>DISPOSITION ACTION                                                                                                                           | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-064<br>Rev. 2                     | <p><b>Case Files – Other Cases (Routine)</b></p> <p>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.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Bond and bail information;</li><li>• Latent print evidence (latent print cards, photographic negatives, digital or photographic images, etc.).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Case Files – Other Cases (Notorious/Historically Significant) (DAN LE2010-060);</i></li><li>• <i>Criminal History Record Information (DAN LE07-01-05);</i></li><li>• <i>Criminal History Record Information – Non-Conviction Data (DAN LE2013-007).</i></li></ul> | <p><b>Retain</b> for 5 years after conclusion of investigation<br/><i>and</i><br/>until exhaustion of appeals process<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE12-01-04<br>Rev. 1                     | <p><b>Case Logs</b></p> <p>Logs documenting case tracking information within the agency.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>Retain</b> until all inclusive case files have been destroyed/transferred<br/><i>then</i><br/><b>Destroy.</b></p>                                       | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2010-065<br>Rev. 1                     | <p><b>Court Disposition Information</b></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Retain</b> until no longer needed for agency business<br/><i>then</i><br/><b>Destroy.</b></p>                                                           | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                      | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                               | DESIGNATION                                                     |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE07-01-11<br>Rev. 2                     | <b><i>Criminal Background Information Management</i></b><br>Records documenting the searching, management, and dissemination of criminal background information.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• National Crime Information Center (NCIC) Inquiry Logs;</li><li>• Secondary Dissemination Logs.</li></ul> <i>Note: Retention based on auditing requirements of the Washington State Patrol.</i> | <b>Retain</b> until completion of Washington State Patrol audit<br><i>then</i><br><b>Destroy.</b>                                                                                 | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                            |
| LE2010-066<br>Rev. 0                     | <b><i>Criminal History Audit Reports</i></b><br>Final reports of Washington State Patrol audit findings.<br><i>Note: Criminal history audit reports are retained by Washington State Patrol in accordance with the Washington State Patrol records retention schedule.</i>                                                                                                                                                                  | <b>Retain</b> for 6 years after completion of Washington State Patrol audit<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>OPR |
| LE07-01-02<br>Rev. 1                     | <b><i>Criminal History Audit Trail Files</i></b><br>Records documenting the receipt and entry of disposition information to criminal offender record information in accordance with RCW 10.98.100.                                                                                                                                                                                                                                          | <b>Retain</b> for 1 year after completion of Washington State Patrol audit<br><i>then</i><br><b>Destroy.</b>                                                                      | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                      | DESIGNATION                                                        |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| LE07-01-05<br>Rev. 3                     | <b><i>Criminal History Record Information</i></b><br>Criminal history record information as defined by RCW 10.97.030.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• 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;</li><li>• Identifiable descriptions;</li><li>• Notations of arrests, charges and dispositions;</li><li>• Mug shots.</li></ul> Excludes the records of Washington State Patrol. | <b>Retain</b> until transmitted to Washington State Patrol<br><i>and</i><br>until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>                                 | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                               |
| LE2013-007<br>Rev. 1                     | <b><i>Criminal History Record Information – Non-Conviction Data</i></b><br>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.<br>Excludes records covered by <i>Criminal History Record Information (DAN LE07-01-05)</i> .                                    | <b>Retain</b> until deletion request from subject of non-conviction data is granted<br><i>or</i><br>until subject is deceased, whichever occurs sooner<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br><b>ESSENTIAL</b><br>(for Disaster Recovery)<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                  | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2022-004<br>Rev. 0                     | <p><b>Custodial Interrogation Recordings</b></p> <p>Electronic recordings of custodial interrogations as defined in section 2, chapter 329, Laws of 2021.</p> <p><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></p> <p><i>Note: Retention requirements do not take effect until January 1, 2022.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Retain</b> until final discharge of offender from custody (including community custody)</p> <p><i>then</i></p> <p><b>Destroy.</b></p>                                          | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2010-069<br>Rev. 1                     | <p><b>Evidence/Property In Custody – Management</b></p> <p>Records documenting the intake, management, and disposition of property acquired by the agency as evidence or for safekeeping. <b>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.</b></p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Evidence/property in/out logs;</li><li>• Documentation relating to disposition (destruction, return to owner, return to jurisdictional agency, etc.).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Executions Against Personal Property (DAN LE05-01-07);</i></li><li>• <i>Inmate Custody Files (Age 18 or Over) (DAN LE15-01-40);</i></li><li>• <i>Inmate Custody Files (Under Age 18) (DAN LE2010-038);</i></li><li>• <i>Property Seizure/Disposition (DAN LE03-01-08).</i></li></ul> | <p><b>Retain</b> for 6 years after disposition of property</p> <p><i>and</i></p> <p>1 year after disposition of pertinent case file(s)</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RETENTION AND<br>DISPOSITION ACTION                                                                                                     | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-070<br>Rev. 1                     | <b>Expungement/Sealing/Vacation of Records</b><br>Records relating to requests and orders for the expungement, sealing, or vacation of criminal information or records in accordance with WAC 446-16-025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Retain</b> for the current approved retention period for the records being expunged/sealed/vacated<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2013-010<br>Rev. 0                     | <b>Fingerprint Analysis</b><br>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.<br>Excludes: <ul style="list-style-type: none"><li>Records covered by <i>Fingerprint Requests (Public)</i> (DAN LE2013-001);</li><li>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.</li></ul> | <b>Retain</b> for 3 years after request fulfilled<br><i>or</i><br>until returned to requesting agency<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                                     | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2022-008<br>Rev. 0                     | <b>Internal Review/Post-Incident Analysis (Routine)</b><br>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.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Use of force forms and their review.</li></ul> Excludes records covered by <i>Complaints, Grievances, and Misconduct (Peace/Corrections Officers) (DAN 2022-003)</i> . | <b>Retain</b> for 6 years after completion of review<br><i>then</i><br><b>Destroy.</b>                                                                                                  | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE06-01-04<br>Rev. 2                     | <b>Investigational Conversation Recordings</b><br>Recordings of investigational conversations with victims, suspects, witnesses, or other individuals associated with criminal investigations.<br>Excludes records covered by <i>Custodial Interrogation Recordings (DAN LE2022-004)</i> .                                                                                                                                                                                                 | <b>Retain</b> for 1 year after transcribed verbatim and verified<br><i>or</i><br>until disposition of pertinent case file, <i>whichever is sooner</i><br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2010-077<br>Rev. 0                     | <b>Investigational Conversation Transcriptions</b><br>Transcriptions of recorded investigational conversations with victims, suspects, witnesses, or other individuals associated with criminal investigations.                                                                                                                                                                                                                                                                            | <b>Retain</b> until disposition of pertinent case file<br><i>then</i><br><b>Destroy.</b>                                                                                                | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                | DESIGNATION                                                            |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| LE2010-071<br>Rev. 0                     | <b><i>Investigative Funds</i></b><br>Records relating to agency funds expended during criminal investigation evidence buys, investigative expenses, and informant expenses and/or payments.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Expense vouchers;</li><li>• Receipt books for funds spent;</li><li>• Ledgers;</li><li>• Receipts for purchases.</li></ul> | <b>Retain</b> for 10 years after date of last expenditure<br><i>then</i><br><b>Destroy.</b>                                                                        | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                                   |
| LE2010-072<br>Rev. 0                     | <b><i>Major Accident Response and Reconstruction (MARR)</i></b><br>Investigations of major traffic accidents resulting in fatalities or serious injury with a high likelihood of civil litigation.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Accident scene drawings and measurements;</li><li>• Crash data logs.</li></ul>                                     | <b>Retain</b> for 50 years after conclusion of investigation<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br><b>(Appraisal Required)</b><br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                             | RETENTION AND<br>DISPOSITION ACTION                                                               | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2010-073<br>Rev. 1                     | <p><b>Polygraph Tests</b></p> <p>Records relating to polygraph examinations administered as part of a criminal case investigation.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"><li>• Uninterpreted polygraph results;</li><li>• Interpretive reports.</li></ul> <p>Excludes polygraph tests administered for non-criminal purposes covered by <i>Background Checks/Tests/Investigations (Non-Criminal)</i> (DAN LE2015-005).</p> | <p><b>Retain</b> until disposition of pertinent case file<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | RETENTION AND<br>DISPOSITION ACTION                                                      | DESIGNATION                          |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------|
| LE2017-001<br>Rev. 1                     | <p><b>Recordings from Mobile Devices – Buffered Data/Images</b></p> <p>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>.</p> <p>Excludes:</p> <ul style="list-style-type: none"><li>• Data and images (including any “pre-event” or “post-event” buffer) that are part of a <b>manually or automatically triggered event recording</b>, 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>;</li><li>• Any data and images that are <b>accessed before being recorded over</b> (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>;</li><li>• <i>Recordings from Mobile Devices – Incident Not Identified (Body Worn Cameras) (DAN LE2016-001)</i>.</li></ul> | <b>Destroy</b> as part of routine device operations <i>as defined by agency policy</i> . | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RETENTION AND<br>DISPOSITION ACTION                                                                                                       | DESIGNATION                          |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE09-01-08<br><br>Rev. 3                 | <p><b>Recordings from Mobile Devices – Incident Identified</b></p> <p>Recordings, created by the law enforcement agency using <b>mobile recording devices</b>, 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.</p> <p><b>Includes all mobile recordings, regardless of where recording device is mounted</b>, such as:</p> <ul style="list-style-type: none"><li>• Bodycam (device on officer's chest, shoulder, head, cap, sunglasses, pole/stick, etc.);</li><li>• Dashcam (or any other device mounted on the inside or outside of a vehicle – car, motorcycle, boat, all terrain vehicle (ATV), bike, scooter, etc.);</li><li>• Dogcam (on an animal's body – canine, equine, etc.);</li><li>• Drone (unmanned aerial vehicle or any other remote controlled equipment).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Intercepted Communications/Conversations – Recorded (DAN LE2010-075);</i></li><li>• <i>Recordings from Mobile Devices – Buffered Data/Images (DAN LE2017-001).</i></li></ul> | <p><b>Retain</b> until matter resolved<br/><i>and</i><br/>until exhaustion of appeals<br/>process<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | RETENTION AND<br>DISPOSITION ACTION                                                          | DESIGNATION                          |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------|
| LE2016-001<br>Rev. 2                     | <p><b>Recordings from Mobile Devices – Incident Not Identified (Body Worn Cameras)</b></p> <p>Recordings, created by the law enforcement agency using <b>body worn cameras</b>, <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.</p> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Intercepted Communications/Conversations – Recorded (DAN LE2010-075);</i></li><li>• <i>Recordings from Mobile Devices – Buffered Data/Images (DAN LE2017-001);</i></li><li>• <i>Recordings from Mobile Devices – Incident Identified (DAN LE09-01-08);</i></li><li>• <i>Recordings from Mobile Devices – Incident Not Identified (Non Body Worn Cameras) (DAN LE09-01-09).</i></li></ul> <p><i>Note: Retention based on 60-day requirement for certain body worn camera recordings (RCW 42.56.240).</i></p> | <p><b>Retain</b> for 60 days after date of recording<br/><i>then</i><br/><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                         | DESIGNATION                          |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------|
| LE09-01-09<br>Rev. 5                     | <p><b>Recordings from Mobile Devices – Incident Not Identified (Non Body Worn Cameras)</b></p> <p>Recordings, created by the law enforcement agency using <b>mobile recording devices (other than body worn cameras)</b>, 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.</p> <p>Includes, but is not limited to mobile recordings such as:</p> <ul style="list-style-type: none"><li>• Dashcam (or any other device mounted on the inside or outside of the vehicle – car, motorcycle, boat, all terrain vehicle (ATV), bike, scooter, etc.);</li><li>• Dogcam (on an animal's body – canine, equine, etc.);</li><li>• Drone (unmanned aerial vehicle or any other remote controlled equipment).</li></ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"><li>• <i>Intercepted Communications/Conversations – Recorded (DAN LE2010-075);</i></li><li>• <i>Recordings from Mobile Devices – Buffered Data/Images (DAN LE2017-001);</i></li><li>• <i>Recordings from Mobile Devices – Incident Identified (DAN LE09-01-08);</i></li><li>• <i>Recordings from Mobile Devices – Incident Not Identified (Body Worn Cameras) (DAN LE2016-001).</i></li></ul> | <p>Retain for 90 days after date of recording</p> <p><i>then</i></p> <p><b>Destroy.</b></p> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RETENTION AND<br>DISPOSITION ACTION                                                            | DESIGNATION                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2013-008<br>Rev. 0                     | <b><i>Suspicious Matter Testing</i></b><br>Records relating to the testing of suspicious matter or substances, such as green vegetable matter, for identification purposes.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Test requisitions;</li><li>• Testing and analysis notes, data, and reports (findings of fact reports, leaf marijuana test notes, etc.).</li></ul> Excludes: <ul style="list-style-type: none"><li>• Records covered by <i>Suspicious Matter Testing – Logs (DAN LE2013-009)</i>;</li><li>• Testing reports and other testing records that are part of a case file.</li></ul> | <b>Retain</b> until disposition of pertinent case file<br><i>then</i><br><b>Destroy.</b>       | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2013-009<br>Rev. 0                     | <b><i>Suspicious Matter Testing – Logs</i></b><br>Logs used to track requisitions received by the law enforcement agency for the testing of suspicious matter.<br>Excludes records covered by <i>Suspicious Matter Testing (DAN LE2013-008)</i> .                                                                                                                                                                                                                                                                                                                                                                                    | <b>Retain</b> for 3 years after date of latest entry<br><i>then</i><br><b>Destroy.</b>         | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM |
| LE2022-011<br>Rev. 0                     | <b><i>U-Visa / T-Visa Records</i></b><br>Records relating to the law enforcement agency's involvement with U-visas for victims of crime and T-visas for victims of human trafficking.                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Retain</b> for 6 years after last contact with individual<br><i>then</i><br><b>Destroy.</b> | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |



## 8.2 INTELLIGENCE

*The activity of collecting information related to suspected or alleged criminal activity.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                            | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                     | DESIGNATION                                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE07-01-03<br>Rev. 1                     | <b>Career Criminals</b><br>Records relating to repeat offenders who have been identified as career criminals.<br>Excludes records which are part of a case file.                                                                                                                                                                                                  | <b>Retain</b> until no longer needed<br>for agency business<br><i>then</i><br><b>Transfer</b> to Washington State<br>Archives for appraisal and<br>selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>OFM |
| LE14-01-01<br>Rev. 1                     | <b>Confidential Informants</b><br>Records relating to individuals with confidential informant status who provide information<br>to the agency on a confidential basis.                                                                                                                                                                                            | <b>Retain</b> until termination of<br>confidential informant status<br><i>then</i><br><b>Destroy.</b>                                                                   | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                            |
| LE07-01-04<br>Rev. 2                     | <b>Crime Analysis Files</b><br>Records relating to analyses used to anticipate, prevent, or monitor potential criminal<br>activity.                                                                                                                                                                                                                               | <b>Retain</b> for 1 year after<br>completion of analysis<br><i>then</i><br><b>Transfer</b> to Washington State<br>Archives for appraisal and<br>selective retention.    | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>OFM |
| LE12-01-08<br>Rev. 2                     | <b>Field Interrogation Reports</b><br>Limited informational reports compiled and/or created by officers in regard to persons or<br>vehicles that appear suspicious at the time or place of contact but do not immediately<br>result in arrest or prolonged detention.<br>Excludes records covered by <i>Custodial Interrogation Recordings (DAN LE2022-004)</i> . | <b>Retain</b> for 1 year after date of<br>report<br><i>then</i><br><b>Destroy.</b>                                                                                      | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OFM                            |





## 8.2 INTELLIGENCE

*The activity of collecting information related to suspected or alleged criminal activity.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                                                                                               | DESIGNATION                                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE2010-074<br>Rev. 0                     | <b><i>Intelligence Files</i></b><br>Criminal intelligence files created or accumulated by agency personnel in the course of investigating suspected or alleged criminal activity.<br>Includes records relating to the provision of special security (for dignitaries, witnesses, etc.).                                                                                       | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>                                                                        | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                            |
| LE2010-075<br>Rev. 0                     | <b><i>Intercepted Communications/Conversations – Recorded</i></b><br>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.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Authorization(s);</li><li>• Recordings.</li></ul> | <b>Retain</b> until disposition of pertinent case file<br><i>then</i><br><b>Destroy.</b>                                                                          | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                            |
| LE2010-076<br>Rev. 0                     | <b><i>Intercepted Communications/Conversations – Not Recorded</i></b><br>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.                                                                                          | <b>Retain</b> until expiration of authorization<br><i>then</i><br><b>Destroy.</b>                                                                                 | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                            |
| LE14-01-02<br>Rev. 1                     | <b><i>Organized Crime</i></b><br>Records relating to the investigation of organized crime.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Criminal Activity Profiles (CAPs);</li><li>• Incidental documents;</li><li>• Name/individual subject records.</li></ul>                                                                                | <b>Retain</b> for 3 years after conclusion of investigation<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>OFM |



## 8.2 INTELLIGENCE

*The activity of collecting information related to suspected or alleged criminal activity.*

| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                     | RETENTION AND<br>DISPOSITION ACTION                                                                                                                                   | DESIGNATION                                                     |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE2010-078<br>Rev. 0                     | <b><i>Strip/Body Cavity Searches</i></b><br>Records relating to strip or body cavity searches performed in accordance with RCW 10.79.080 and/or RCW 10.79.150.<br>Includes, but is not limited to: <ul style="list-style-type: none"><li>• Authorizations and warrants;</li><li>• Statements of results/reports.</li></ul> | <b>Retain</b> for 6 years after date of search<br><i>then</i><br><b>Destroy.</b>                                                                                      | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR                            |
| LE03-01-40<br>Rev. 1                     | <b><i>Special Weapons and Tactics (SWAT)</i></b><br>Records relating to special or tactical operations planned and/or carried out by Special Weapons and Tactical (SWAT) units.<br>Excludes SWAT records that are part of a case file.                                                                                     | <b>Retain</b> for 2 years after completion of mission/operation<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>OFM |
| LE21-01-06<br>Rev. 1                     | <b><i>Vehicle Histories</i></b><br>Records relating to information compiled on vehicle types and/or models involved in criminal activities.                                                                                                                                                                                | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Destroy.</b>                                                                            | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RETENTION AND<br>DISPOSITION ACTION                                                                                                     | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2015-008<br>Rev. 0                     | <b>Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court</b><br>Juvenile records <b>identified by the Juvenile Court</b> as eligible to be destroyed in accordance with <u>RCW 13.50.270(1)(b)</u> .<br>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> .                                                                  | <b>Upon receipt</b> of notification of destruction eligibility from Juvenile Court,<br><b>Destroy</b> juvenile records within 90 days.  | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2015-009<br>Rev. 0                     | <b>Juvenile Records – Pardon Notification Received from Office of the Governor</b><br>Juvenile records relating to an individual who has been granted a full and <b>unconditional pardon by the Governor</b> , and where the Office of the Governor has notified the agency in accordance with RCW 13.50.270(2).<br>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> . | <b>Upon receipt</b> of pardon notification received from the Office of the Governor,<br><b>Destroy</b> juvenile records within 30 days. | NON-ARCHIVAL<br>NON-ESSENTIAL<br>OPR |
| LE2015-010<br>Rev. 0                     | <b>Juvenile Records – Destruction Ordered by Court</b><br>Juvenile records ordered to be destroyed by the court in accordance with RCW 13.50.270(3) <b>or any (other) court order</b> .<br>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> .                                                                                                                     | <b>Upon receipt</b> of court order,<br><b>Destroy</b> juvenile records.                                                                 | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | RETENTION AND<br>DISPOSITION ACTION                                                                                          | DESIGNATION                          |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| LE2015-011<br>Rev. 0                     | <b><i>Juvenile Records – Juvenile Attains Age 23</i></b><br>Records relating to juvenile offenses and diversions where the juvenile has attained 23 years of age <u>and</u> where the <b>local government agency has developed procedures for the routine destruction of <i>certain</i> records</b> pursuant to RCW 13.50.270(4).<br>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> . | <b>Retain</b> until juvenile attains 23 years of age<br><i>then</i><br><b>Destroy</b> according to agency policy/procedures. | NON-ARCHIVAL<br>NON-ESSENTIAL<br>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<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                   | RETENTION AND<br>DISPOSITION ACTION                                                                                                                            | DESIGNATION                                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LE2022-009<br>Rev. 0                     | <b>Legacy Arrest Register Volumes and Mug Shot Books</b><br>Previously compiled volumes of arrests and mug shots prior to contemporary management of criminal history records.<br>Excludes contemporary records covered by <i>Criminal History Record Information (DAN LE07-01-05)</i> . | <b>Retain</b> until no longer needed for agency business<br><i>then</i><br><b>Transfer</b> to Washington State Archives for appraisal and selective retention. | <b>ARCHIVAL</b><br>(Appraisal Required)<br>NON-ESSENTIAL<br>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.



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Note: The use in this index of "CORE/SGGRRS" refers to the Local Government Common Records Retention Schedule / State Government General Records Retention Schedule.

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## **Washington State Law Enforcement Records Retention Schedule.pdf**

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**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**

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*Signature on File*

**For the Attorney General: Matt Kernutt**

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**The State Archivist: Steve Excell**

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# Port of Seattle PD Policy Manual

Port of Seattle PD Policy Manual

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